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ABSTRACT

This manual advises library administrators in the state of New York on the responsibilities of individual institutions regarding censorship, patron confidentiality, and other intellectual freedom issues. Besides listing organizations available for consultation, the manual recommends procedures and policies for dealing with law enforcement inquiries, materials selection questions, reconsideration requests, and unequal access. The texts of some relevant federal and state laws are provided. A bibliography lists 52 information sources. Appendices include: (1) New York Library Association forms, including a self-censorship quiz, membership applications, an incident report form, and a formal request for assistance; (2) three sample policies, one each from an academic, public, and school library in New York State; and (3) American Library Association policy documents, including, among other things, the Freedom to Read Statement and the Library Bill of Rights. (BEW)

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THE NEW YORK GUIDE TO INTELLECTUAL FREEDOM IN LIBRARIES

A Manual for Librarians, Staff and Trustees



**New York Library Association
Intellectual Freedom Committee
1996**

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TO THE EDUCATIONAL RESOURCES
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SPECIAL APPRECIATION

The Intellectual Freedom Committee of the New York Library Association extends its appreciation to SIRS (Social Issues Resources Series, Inc.) and its owner-publishers Elliot and Eleanor Goldstein for generously supporting the publication of this manual.

SIRS sponsors the prestigious annual NYLA/SIRS Intellectual Freedom Award for outstanding contribution by New Yorkers (individuals or groups) to the defense of the principles of intellectual freedom in libraries.

THE NEW YORK GUIDE
TO
INTELLECTUAL FREEDOM
IN
LIBRARIES

A Manual for Librarians, Staff and Trustees

New York Library Association
Intellectual Freedom Committee
1996

New York Library Association
252 Hudson Avenue
Albany, New York 12210-1802
1-800-252-6952 (NYLA)

DEDICATION

This manual is dedicated to past and future recipients
of the NYLA/SIRS Intellectual Freedom Award.

They preserve and protect the democratic ideal.

*"The price we pay for the right to express ourselves is
the burden of listening to others whose views we hate.
The remedy is to contest these views. To do that, we need
to expand, not diminish opportunities to communicate."*

Ira Glasser
Executive Director
American Civil Liberties Union

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The women and men who staff the libraries of New York are committed to the maintenance of open and democratically disposed institutions providing unrestricted access to the collected ideas of human history.

Boards of trustees, authors, publishers, teachers, scholars, journalists, politicians, and others directly involved in the development and promotion of libraries, support staff resistance to those who would use library collections to deny or abridge access to information or would distort the collection in such a way as to make it a tool for promoting a partisan cause.

The Intellectual Freedom Committee of the New York Library Association has created *The New York Guide to Intellectual Freedom in Libraries: a Manual for Library Professionals, Staff and Trustees*, to provide those in the field with serviceable reference tool. It is hoped that this handbook can contribute to the constant effort that must be maintained to keep library collections open and accessible to each person who enters our libraries seeking information, education, and recreation for the mind.

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The IFC gratefully acknowledges the support and cooperation of the American Library Association Office for Intellectual Freedom.

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FOREWORD

Robert J. Trudell
Recipient of the first NYLA/SIRS Intellectual Freedom Award, 1984
NYLA President, 1990-1991

I believe that of all the topics concerning librarians, none is more important than intellectual freedom. Yes, we have to know about computers, legislation, construction, ideas of service, and so forth, but the tradition of freedom to read is the special province of the library. It is the soul of the library and *all* the rest is the body. It is the librarians and trustees who have the special responsibility to keep the library free in every sense of the word. We can't expect the State or politicians to do it, it is up to us. We should keep in mind Orwell's society of Big Brother which permitted no history, only a convenient compilation of statements to fit the needs of the State.

We should recognize that censorship and propaganda are two sides of the same coin, both having to do with the *control* of ideas and information. A pluralistic society is complex, it requires patience and tolerance. Thousands of years have shown that a controlled society with simplistic rules cannot last because humans are not simplistic.

It is, to be sure, more efficient if government controls ideas, decides right and wrong for us. But history has shown that that kind of efficiency is the product, indeed is a requisite, of tyranny.

James Madison's report of 1800 which led to the nullification of the Alien and Sedition Acts still stands as a striking example in the evolution of a modern literalist interpretation of the First Amendment. He insisted that the federal government was "destitute of all authority whatever to interfere with the free development and circulation of opinion, that right of freely examining public characters and measures and of free communication of the people thereon, which has ever been justly deemed the only effectual guardian of every other right.

"To the press alone, checkered as it is with abuses, the world is indebted for all the triumphs which have been gained by reason and humanity over error and oppression," wrote Madison, and "the greatest danger to liberty is to be found in a body of people operating by the majority against the minority."

Challenges to intellectual freedom can happen anywhere. Defense of our freedom is not a spectator event. We must all be willing to be involved. The enemies of free thought are out there and there is nothing between them and that most marvelous invention, the library, but you -- the librarian. It is a very high calling, indeed!

The authors of the Bill of Rights assured the creation of a government that would combine majority control with individual freedom, popular self-government with security for the private rights of all.

The founders of this democracy formed the Constitution "to perpetuate to posterity that freedom which we received from our fathers."

We -- you and I -- today are that posterity. The censor can strike anywhere whether in a small library or large -- and most often it is the librarians who are called upon to defend the First Amendment.

It is a grave responsibility and it is a privilege. The freedom of expression is essential to the concept of the free individual, which in turn is the essential component of democracy and the nurturing of ideas which alone separate us from the chaos of the jungle.

We would do well to bear in mind the words of John Mortimer's creation, Horace Rumpole of the Old Bailey. It is from his summation speech in defense of an owner of a store selling X-rated magazines:

"Members of the jury, Freedom is not divisible. You cannot pick and choose with freedom, and if we are to allow liberty for the opinions we hold dear and cherish, we must allow the same privileges to the opinions we detest or even to works of such unadulterated rubbish ... Ours is the tolerant approach, and if we are tolerant in great matters, so we must be tolerant in the little, trivial matters of these puerile magazines, for once we start in the business of censorship and the banning of books, that is the ending of freedom. Our priceless liberties are in your hands today, members of the jury. There could be no safer place for them!"

I trust the same could be said of librarians and trustees.

INTRODUCTION

"Ideas do not survive on their own merits. They require receptive environments and sponsors who will urge them."

Evelyn Geller, Forbidden Books in American Public Libraries, 1876-1939

In order to have citizen participation in a democracy, it is necessary to be literate and have access to the record of the society. There must be an open marketplace of ideas and individuals constantly alert to the protection of that environment. Because of the nature of the human condition, one can always find individuals who try to limit the distribution of information; to censor the content; to place labels on material to prejudice choice; to distribute lists of authors, publishers, and artists deemed 'objectionable', and to purge libraries and other institutions housing 'dangerous' ideas.

The constant attempt to suppress or censor is based upon a belief that our tradition of free expression is basically invalid. While denying that they are censoring or suppressing, censors proceed under the guise of protecting us from those who would subvert democracy and undermine traditional values and morals.

Librarians, as members of a profession closely associated with the acquisition, preservation, and dissemination of information, are deeply affected by efforts to suppress and distort it. Such attempts are rooted in denial of a fundamental tenet of democracy which holds that a citizen can, through analytical judgment, accept the sound and the good while rejecting or ignoring the irrational and the bad. Librarians have had to constantly stand up to those (outside and inside the profession) who assume that they alone are equipped to determine how much and what kind of information should be made available to the public.

Librarians are very much aware of the pattern of pressures being brought to bear on such allied institutions as schools, the press, film, radio, television, and the arts. These pressures are not limited to blatant censorship. A glacial fear can pervade an institution causing a covert and subconscious curtailment of expression by those who are unwilling or ill-equipped to withstand the sting of controversy. Librarians are but one of many groups who can give in to such pressures particularly when they involve social, religious, or moral ideologies that can appear dissident or hostile.

Freedom has given this nation its ability to adapt and endure during times of doubt and strain. Freedom has allowed the path to creative and unusual solutions to remain obstacle-strewn but open. Every silencing of an idea, every constraint bred of orthodoxy and fear is diminished by a history of faith in the rationality of humankind. That we have recovered from such historical times of stress is proud testament to those who retained their belief in the free flow of ideas and continued to restore us to our democratic roots.

The professional librarian constantly strives to make available a great diversity of views and expressions, including the unpopular and unorthodox. This gathering together is done without endorsing the ideas or opinions expressed. To do so would place a librarian in a position to proselytize or even censor based upon a personal, political, moral, and aesthetic view of the world. Nor does the librarian look to the personal history or political affiliations of the creator or distributor of the materials as a criterion for inclusion in the collection. Nor should the tastes, needs, and limitations of children override those of the adults who expect to use the collection for personal enrichment and development.

Current controversies between parents and schools make it apparent that there are people who do not want to accept personal responsibility for preparing their children to meet the demands of modern life. Instead, they seek to limit access to materials whose contents reflect only the values shared by their group, regardless of the values of other groups using the same institution.

Librarians are adamant in their efforts to avoid placing labels which affix a moral, social, or political judgment to the content of materials, whether that judgment originated in the librarian's personal credo or in the beliefs of community groups. Labels are often used to indicate *format*. Judgment about *content* is left to the individual. Labeling is an attempt to coerce or prejudice the user about the potential value of information.

It is clear to the mature adult that freedom is dangerous. To keep it around requires constant vigilance and risk-taking. To lose freedom is to foster tyranny, oppression, and even death. Libraries are dangerous places because they harbor the ideas of humankind fraught with those exasperations, excesses, and exaltations that the democratic condition inspires. Thus, being a librarian or an administrator of library policy requires brave souls ready to defend and cherish freedom of access to information. The history of American library service can offer ample evidence that such courage and conviction flourishes among dedicated library professionals and trustees.

NEW YORK LIBRARY ASSOCIATION and INTELLECTUAL FREEDOM

The New York Library Association supports educational and legislative efforts in defense of free access to library materials and resource. NYLA's program is networked with the American Library Association's Office for Intellectual Freedom, People for the American Way, the National Coalition Against Censorship, and the New York Civil Liberties Union. NYLA is able to get answers, offer advice, and obtain the counsel of a variety of consultants knowledgeable in the pressure group wars. By becoming a NYLA member, you can make a challenge to intellectual freedom into a very small skirmish. No librarian, administrator, or trustee need ever stand alone.

INTELLECTUAL FREEDOM COMMITTEE (IFC)

The Intellectual Freedom Committee is charged by the NYLA Council "to be informed on all current intellectual freedom issues and legislation; to respond to and attempt correction of all infringements and violations by any individual, group, or library, of the principles of intellectual freedom as set forth by the American Library Association in the Library Bill of Rights."

The Committee's eleven members are appointed to two-year terms by the NYLA President. Ex officio members include the President of the Intellectual Freedom Roundtable, a legal consultant, and the NYLA Executive Director. The name of the current chairperson can be found in the *NYLA Membership Directory*. The IFC maintains a close liaison with the Legislative Committee on proposed legislative actions or the need for new legislation.

The IFC provides a support network and reporting mechanism for libraries and staff involved in intellectual freedom issues. Requests for information and assistance should be sent to the attention of the NYLA Executive Director and will be forwarded to the Committee.

IFC created the Intellectual Freedom Defense Fund (IFDF) to provide, upon request, assistance and other advisory support to NYLA members involved in disputes regarding specific censorship or confidentiality matters or broader First Amendment issues. NYLA members in good standing may request an application from the NYLA Executive Director.

INTELLECTUAL FREEDOM ROUNDTABLE (IFRT)

The Intellectual Freedom Roundtable provides a forum for the NYLA membership to exchange information, develop special education and informational programs, and provide support for the activities of the Intellectual Freedom Committee in the promotion of the freedom of acquisition, dissemination, and maintenance of library materials, services, and programs.

Its quarterly newsletter, *Pressure Point*, features reports of local incidents in intellectual freedom matters plus items of interest concerning free speech and the media. The IFRT sponsors programs on topics of current interest and presents exhibits at the annual NYLA Conference.

The Intellectual Freedom Roundtable created the Legal Assistance Network (LAN) in cooperation with the New York Civil Liberties Union (NYCLU) to provide pro bono legal advice on First Amendment issues. A statewide network of NYCLU attorneys can provide assistance to librarians and libraries faced with concerns about censorship, freedom of information, confidentiality, and facilities use. NYLA members in good standing may submit requests to the NYLA Executive Director.

REPORTING INCIDENTS

Too often libraries, fearing notoriety, are reluctant to seek advice and counsel when suddenly confronted with a demand to remove or censor materials in the collection. There have been unfortunate cases where such incidents have been rushed into the public forum with the resulting polarization of 'sides' and long, acrimonious debate on the wrong issues.

NYLA recognizes that such publicity is not generally desirable. The IFC will not launch an investigation or issue public statements without the specific consent of the person involved. NYLA prefers to offer advice and counsel drawn from experience with such incidents, thus allowing the local group or individual to make its own decision on how to respond to the incident.

Often, a complaint is made to a library and it is dealt with quietly through well-prepared policies and procedures with hardly a ripple appearing on the surface of the administrative waters. The incident is history. NYLA would like to know of these successes for statistical purposes. With documented evidence, NYLA will be better able to encourage advance planning and solid policy making and to influence needed legislation in the state. In addition, the names and locations of seasoned veterans will be on file to form a network to consult during stressful episodes.

Report any known incidents to NYLA. The *NYLA/IFC Report Form & Request for Assistance* is provided in the Appendix. If you have any questions before you photocopy and fill out the form, please call NYLA (800-252-NYLA) and the Executive Director will assist you.

CONTRIBUTION

Remember the Intellectual Freedom Defense Fund when you fill out your NYLA membership renewal form. Your contribution to this resource fund will be used to support NYLA members who find themselves defending the right of intellectual freedom.

ORGANIZATIONS TO CALL ON

In addition to NYLA there are many state and national organizations concerned with intellectual freedom. These descriptions will help you determine which ones best suit your needs and interests.

American Civil Liberties Union - New York Civil Liberties Union

132 West 43rd Street, 2nd floor
New York, NY 10036
(212) 382-0557

The American Civil Liberties Union (ACLU) is a nonpartisan public interest organization devoted to protecting First Amendment rights, equal protection of law, due process, and the right of privacy. It challenges violations in the courts and opposes repressive legislation. Local chapters of the statewide New York Civil Liberties Union (NYCLU) can recommend speakers for public hearings and may provide legal defense.

American Library Association Intellectual Freedom Committee

50 East Huron Street
Chicago, IL 60611
(800) 545-2433

The Intellectual Freedom Committee recommends policies concerning intellectual freedom to the ALA Council. It works closely with the Office for Intellectual Freedom and other units of ALA in matters having to do with freedom and censorship.

American Library Association Office for Intellectual Freedom

50 East Huron Street
Chicago, IL 60611
(800) 545-2433

The Office for Intellectual Freedom (OIF) is charged with implementing ALA policies concerning the concept of intellectual freedom as embodied in the LIBRARY BILL OF RIGHTS. Its goal is to educate librarians and the general public about the nature and importance of intellectual freedom in libraries. OIF undertakes information, support, and coordination activities. These include distributing materials and information, preparing regular and special publications, maintaining the OIF exhibit, supervising liaisons with the Freedom to Read Foundation and the LeRoy C. Merritt Humanitarian Fund, serving as a liaison to the Intellectual Freedom Committee, coordinating activities of state intellectual freedom committees, and, cooperating with other organizations whose purposes are similar to ALA's regarding intellectual freedom.

OIF provides advice to librarians facing a potential or actual censorship controversy. Assistance may take the form of a written position statement defending the principles of intellectual freedom, names of persons available to offer testimony before library boards, or visit the community to view the problem firsthand and provide moral and professional support for the defense of First Amendment principles. The alternative chosen is always the prerogative of the individual requesting assistance.

Freedom to Read Foundation

50 East Huron Street
Chicago, IL 60611
(800) 545-2433

The Freedom to Read Foundation (FTRF) is a separate legal entity, closely affiliated with the American Library Association. Its Executive Director serves as the ALA Director of the Office for Intellectual Freedom. The Foundation may be a source of legal assistance. Its goals are:

"To promote and protect freedom of speech and freedom of the press;
to protect the public right to access to libraries; to support the right
of libraries to collect and make available any creative work they may
legally acquire; and to supply legal counsel and otherwise support
libraries and librarians suffering injustices due to their defense of
speech and freedom of the press."

LeRoy C. Merritt Humanitarian Fund

50 East Huron Street
Chicago, IL 60611
(9800) 545-2433

The LeRoy C. Merritt Humanitarian Fund provides financial aid for librarians who are threatened with loss of employment or discharge because of their stand on the cause of intellectual freedom, including promotion of freedom of the press, freedom of speech, and the freedom of libraries to select items for their collections from all the world's written and recorded information.

People for the American Way

1460 Broadway, 2nd floor
New York, NY 10036
(212) 944-5820

People for the American Way is a nonpartisan organization established to promote and protect civil and constitutional rights. Its primary mission is to educate the public on the importance of the democratic tradition and to defend against attacks from those who would seek to limit civil and constitutional rights. It distributes educational materials and maintains a speakers bureau.

The following organizations may also be helpful in addressing intellectual freedom concerns or in building coalitions:

American Association of University Women

1111 Sixteenth Street, N.W.
Washington, DC 20036
(202) 785-7700

American Booksellers Association

560 White Plains Road
Tarrytown, NY 10591
(914) 631-7800

Americans United for Separation of Church and State

8129 Fenton Street
Silver Spring, MD 20910
(301) 589-3707

Association of American Publishers

220 East 23rd Street
New York, NY 10010-4686
(212) 689-8920

Institute for First Amendment Studies

PO Box 589
Great Barrington, MA 01230
(413) 274-3786

Long Island Coalition Against Censorship

PO Box 296
Port Washington, NY 11050

Media Coalition, Inc.

1221 Avenue of the Americas, 24th floor
New York, NY 10020
(212) 768-6770

National Association of Broadcasters

1771 N Street, N.W.
Washington, D.C. 20036

National Coalition Against Censorship

275 7th Avenue
New York, NY 10023
(212) 807-6222

National Coalition Against Repressive Legislation

1318 8th Street, Suite 313
Los Angeles, CA 90017
(213) 484-6661

National Council for the Social Studies

3501 Newark Street, N.W.
Washington, D.C. 20016
(202) 966-7840

National Council of Teachers of English

1111 Kenyon Road
Urbana, IL 61801
(217) 328-3870

National Education Association

1201 16th Street, N.W.
Washington, DC
(202) 822-7721

PEN American Center

568 Broadway
New York, NY 10012
(212) 334-1660

Playboy Foundation

680 North Lakeshore Drive
Chicago, IL 60611
(312) 751-8000

Reporters' Committee for Freedom of the Press

1735 I Street, N.W., Suite 504
Washington, D.C. 20006
(202) 466-6312

Student Press Law Center

800 18th Street, N.W., Suite 300
Washington, D.C. 20006
(202) 466-5242

Society for Professional Journalists

P.O. Box 77
Greencastle, IN 46135
(317) 653-3333

SELF-CENSORSHIP

One of the most difficult challenges in supporting intellectual freedom comes not from censors outside the library, but from within. In the view of Nadine Strossen, president of the American Civil Liberties Union, "current challenges to free speech are complicated by a seeming willingness of almost everyone -- left, right or center -- to bend the First Amendment protection of free speech to exclude just their own little exception, be it *Huckleberry Finn* (on the charge of racism), tobacco advertising (on the charge of being an often lethal product) or *Murphy Brown* (on the charge of perpetrating non-traditional family values)."

When selection stray toward censorship, libraries and librarians are not fulfilling their basic role of providing access to a diversity of ideas. Library materials and programs may well be personally offensive to librarians or administrators, however, they have a professional responsibility to be inclusive, not exclusive. ALA's *Diversity in Collection Development, an Interpretation of the LIBRARY BILL OF RIGHTS*, addresses this issue.

Librarians in all types of libraries must maintain a constant effort to avoid self-censorship. Conscientiously following a well-thought-out Materials Selection Policy is the first step in building a collection that not only reflects the diversity of a library's users, but also increases the users' awareness of our complex world.

In his book 50 Ways to Fight Censorship, Dave Marsh strongly recommends that we READ BANNED BOOKS! This is more than a slogan -- reading banned books, viewing challenged television programs, and listening to controversial music not only thwarts the intent of the censor, it also lets us know where the battle lines are being drawn. From materials so innocuous that we are hard pressed to find the censor's objection, to materials we find personally offensive -- librarians protect not only ideas, but the constitutional right of the public expression of those ideas.

Avoiding self-censorship is, indeed, one of our most important challenges.

CONFRONTING THE CENSOR

Libraries that are most successful in weathering censorship challenges have prepared appropriate written policies and procedures and have implemented them professionally. They are able to rely on the support of the community-at-large.

Community leaders have been kept informed of the central role of libraries in schools, colleges, businesses, and neighborhoods. Librarians are involved with parent groups, faculty committees, and community organizations. In addition, school, public, academic, and special librarians work together not only at the state and national levels, but also at the local level, to lay a firm foundation for intellectual freedom and valuable support during a censorship challenge.

No librarian wants to be involved in difficult confrontations. However, intellectual freedom is the cornerstone of librarianship. Its vigorous defense will earn the support and respect of library colleagues as well as the wider community.

You will be well-prepared to face the censor if the *Censorship Checklist* [inside back cover] is turned into a plan of action for your library. Guidelines for developing Materials Selection Policies, Reconsideration Procedures and Library Service Policies follow this section. Another useful resource in the preparation of written policies and staff training is the American Library Associations *Intellectual Freedom Manual*.

- * A calm, courteous, and prompt handling of a complaint will often result in its immediate resolution. In any event, each library staff member should be able to defuse a potentially volatile situation without committing the library to a specific course of action. Remember, the library user, parent, or community member who is complaining has the same rights of expression that libraries advocate.
- * The person who initially receives the complaint should be coached to hear out the complainant and be sympathetic to the distress, but not to express an opinion on the merit of the case.
- * If the complainant persists in requesting that material be withdrawn, the staff person should introduce the next person designated in the procedure to formally handle the complaint. Most people resent being shunted from one person to another. Therefore, explain where you are going as you lead the complainant to the meeting place. Assure a fair hearing. He needs to relax and to ease the feeling of shock and hostility at finding something in the library that seemed to attack his personal beliefs and values.
- * Introductions should be somewhat formal without being intimidating. Let the complainant hear you paraphrase the problem as you bring the two together for continued discussion. The initial staff contact should leave on a positive note. Cool, calm, and sincere amenities can defuse the confrontational situation and may result in the complainant's being willing to listen to the library's side of the story.

- Ask the complainant to repeat the problem or to fill in any missing parts of the explanation you heard from your staff. Ask if he were fairly treated. This is the time to explain the role of the library in a democratic society, the responsibility of librarians to serve people with differing information needs and tastes, and the importance of a diverse library collection. The professional nature of selection decisions must also be emphasized. It is the principle of the freedom to read or view, rather than a specific item, that should be defended.
- If the complainant persists in requesting that library material be withdrawn, the library's procedure for reconsideration should be carefully explained and followed. Since this is a serious matter that will require special attention and work on the part of the library staff, the formal complaint statement must be clear and detailed. A separate Request for Reconsideration form must be filled out for each item.
- Determine if the complainant is acting independently or as an agent of an organized local or national campaign. Anonymous complaints are not usually addressed.
- It is essential to notify the administration and governing body of the complaint and assure them that the library procedures are being followed. Present full, written information giving the nature of the complaint and identifying the source.
- Throughout the process, the challenged material should remain accessible in the library.
- The privacy of the person making the complaint should be protected. However, should the complainant 'go public', the library has a responsibility to enlist the understanding and support of staff members, the library's governing body, colleagues, and the community. Encourage them to organize a highly visible and vocal anti-censorship, pro-library campaign. Professional organizations and sympathetic media may be called upon to support the intellectual freedom issues involved. If necessary, the library's legal counsel may be consulted.
- Once a formal complaint has been set in motion and you either need assistance or you have satisfied the complainant and no further action is needed, file a *NYLA/IFC Incident Report Form & Request for Assistance* with the NYLA office. The Intellectual Freedom Committee can provide background information on using the media effectively, seeking legal counsel, which civic organizations to contact, how other libraries handled similar challenges, etc.

CONFIDENTIALITY and LAW ENFORCEMENT INQUIRIES

New York State law [page 16] and professional ethics require that personally identifiable information about library users be kept confidential. Administrators must educate the library's governing body and staff about the principles and laws concerning the confidentiality of library records.

First, the governing body should adopt a written policy concerning the confidentiality of library records. ALA's "Policy Concerning Confidentiality of Personally Identifiable Information About Library Users" and "Policy on Confidentiality of Library Records" appear in Appendix C. The administrator should examine practices that link patrons with specific materials. For example: names on book cards; overdue or reserve notices sent on postcards; overdue notices sent to parents; titles of interlibrary loans or reserves given in phone messages to family members or teachers; reserve room circulation records made available to faculty; and, strategies or results of on-line searches retained for future use.

Secondly, the library should be prepared for attempts to gain access to library records from outside sources -- parents who want to know what a child has read; teachers who want to verify suspected plagiarizing; or, law enforcement officials who want to know an individual's interest or knowledge of a particular subject. In most cases, these inquiries can easily be handled by a librarian who follows the ALA "Suggested Procedures for Implementing Policy on Confidentiality of Library Records" (Appendix C).

Any request by a law enforcement official [local, state or federal], for confidential library records should be referred to the library administrator or designee. The administrator should:

- obtain proper identification;
- remain calm and polite;
- hold discussions in a private office, not in a public service area;
- explain library policy, New York State law, and professional ethics regarding the confidentiality of personally identifiable library records;
- not release any library records;
- contact the library's legal counsel if served with a process, court order, or subpoena -- counsel must review it for proper form and good cause;
- report any threats or attempts to coerce information;
- notify the governing body;
- call NYLA for advice and support.

In the event that disclosure of library records must be made, have the library's legal counsel request a court order for the information in those records to be kept strictly confidential, used only for the limited purpose of the particular case at hand, and restrict access to the officers assigned to the case.

MATERIALS SELECTION POLICY

A library's Materials Selection Policy is a blueprint for library staff to use in collection development as well as a vital communication document. It explains, without jargon, the library's purpose and the specific needs that the collection will meet. Key elements of a Materials Selection Policy are listed below. Examples of actual academic, school and public library policies appear in Appendix B.

- A. The library's Mission Statement and a description of the community it serves. Reference may be made to other documents such as the long-range plan, plan of service, community profile, etc.
- B. A statement of compliance with all applicable state and local laws and the First Amendment and an affirmation of ALA's LIBRARY BILL OF RIGHTS and the Freedom to Read statement.
- C. A statement of authority for selection decisions (both ultimate and delegated) and the qualifications of selectors.
- D. A general statement of selection concerns, such as budget and space constraints, goals of the educational program, weeding, special collections, relationships with other libraries, gift and sponsored materials policies, etc.
- E. General standards of selection
 - 1. relevance to library's mission and community needs and interests
 - 2. relation to existing collection
 - 3. authority and significance of author
 - 4. critical reviews and selection sources
 - 5. suitability and quality of physical format
 - 6. price
 - 7. current and future usefulness
 - 8. popular demand
 - 9. accuracy
- F. Specific standards of selection
 - 1. users -- adults, YAs, children, students, faculty, etc.
 - 2. formats -- book, periodical, audio visual, electronic, etc.
 - 3. subjects -- local history, foreign language, sex, science, etc.
- G. A statement of policy and procedures for dealing with challenges to materials that supports the principles of intellectual freedom and the professional integrity of the library staff.
- H. Supporting documents, forms, etc.
- I. Approval of the library's governing board

RECONSIDERATION PROCEDURES

Written procedures for handling concerns and complaints about library materials and services are generally part of a library's Materials Selection Policy. Having such steps in place provides a sense of security for library staff and demonstrates to parents, community members, and library users that complaints are given serious professional consideration.

The key elements of the Reconsideration Procedures statement are listed below. Examples of actual procedures are included in the three Materials Selection Policies in Appendix B.

- A. Statement of purpose including the policy of leaving material under reconsideration accessible in the library until a determination has been made.
- B. Instructions for the staff member designated to receive a Request for Reconsideration. In many libraries the director or collection development librarian is designated to provide a copy of the Materials Selection Policy, the LIBRARY BILL of RIGHTS, the Request for Reconsideration Form, and a timetable for action.
- C. Designation of a committee to consider the complaint. In schools and small public libraries, non-librarians may be asked to participate.
- D. Procedure for notifying the library's governing body and legal counsel.
- E. Format of the committee's report. Reference should be made to the Materials Selection Policy, the LIBRARY BILL of RIGHTS, and reviewing sources. Generally, the report is given to the library director or school principal who will communicate the decision to the complainant.
- F. Description of the appeal process. If the complainant does not accept the administrative decision, a typical route of appeal is through the library's governance structure.

LIBRARY SERVICE POLICIES

Library service policies assure the equitable treatment of all library users. Issues of library service should be addressed in policy statements and procedure manuals. Periodic review of policies and procedures must be undertaken to ensure compliance with local and state laws and with the principles of intellectual freedom. ALA's *LIBRARY BILL OF RIGHTS*, its *Interpretations*, and related documents are included in Appendix C, and will provide assistance in this process.

It is critical that all library staff are aware of and refer to written statements of library service policies and procedures that address the following:

ACCESS TO MATERIALS AND SERVICES BY CHILDREN

Age or grade level must not be used to restrict access to materials (because of content, cost, format, or location), services (such as interlibrary loan or on-line searching), or programs. Confidentiality of children's use of library materials and services are protected by law. Written permission from parents should neither be required nor solicited to allow children access to specific materials, collections, services, or programs.

ACCESS TO MATERIALS AND SERVICES BY THOSE COVERED BY THE AMERICANS WITH DISABILITIES ACT

In addition to physical accessibility, a library must provide resources in a variety of formats and delivery methods.

ACCESS TO LIBRARY RESOURCES AND SERVICES REGARDLESS OF GENDER OR SEXUAL ORIENTATION

Access to information and ideas should not be denied or abridged because of gender or sexual orientation. Library services, materials, and programs should not be proscribed because of subject matter dealing with gender, sexuality, sexual orientation, or gay, lesbian or bisexual lifestyle.

CIRCULATION POLICIES AND RESTRICTED MATERIALS

Circulation procedures and policies must promote free and open access to all materials by current and potential library users in the community. Careful attention should be paid to the intellectual freedom implications of 'closed' collections or 'teachers' shelves' that have been established for the purported purpose of protecting expensive or rare materials or materials likely to be stolen or mutilated because of content or format.

CODES OF CONDUCT

In addition to assuring a safe and welcoming environment, rules of behavior must protect the rights of individuals and groups, regardless of age or circumstance, to use the library facilities and resources.

ECONOMIC BARRIERS TO INFORMATION ACCESS

Overdue fines, charges, and user fees must not limit access to library resources or discriminate because of age or circumstance. Information resources, regardless of technology, format, or method of delivery should be accessible to all library users on an equal and equitable basis.

EXHIBIT AND BULLETIN BOARD SPACE

A library may designate its exhibit and bulletin board space for library related activities only. If exhibit or bulletin board space is made available to the community, policies must assure equitable access regardless of the doctrinal, political, or religious beliefs or affiliations of those requesting the space.

FREEDOM TO READ

This is a joint statement by librarians, publishers and booksellers affirming the democratic tradition of free expression. It supports the right and responsibility of libraries to make available a broad diversity of views and to resist efforts to suppress or deny library users' freedom to read.

LABELING OR RATING MATERIAL FOR SUITABILITY OF CONTENT

Libraries must not adopt or enforce ratings established by private organizations or the publishers or distributors of books, recordings, videos, etc.

LIBRARY INITIATED PROGRAMS

Libraries initiated programs are free and open to all members of the community. Library sponsorship of a program does not imply an endorsement of its ideas. A broad range of topics, based on the interests and needs of the community should be offered without excluding programs due to possible controversy.

USE OF LIBRARY MEETING ROOMS

A library may designate meeting rooms for library-related activities only. If meeting rooms are made available to the community, however, policies must assure equitable access regardless of the political, doctrinal, or religious beliefs or affiliations of those requesting the facility.

FEDERAL AND STATE LAWS

UNITED STATES CONSTITUTION

Amendment One

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; of the right of the people to peaceably assemble, and to petition the Government for a redress of grievances.

Amendment Fourteen

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

NEW YORK STATUTES

Education Law

s 262. Use of Public and Indian Libraries

Every library established under section two hundred fifty-five of this chapter shall be forever free to the inhabitants of the municipality or district or Indian reservation, which establishes it, subject always to rules of the library trustees who shall have authority to exclude any persons who wilfully violate such rules; and the trustees may, under such conditions as they think expedient, extend the privileges of the library to persons living outside such municipality or district or Indian reservation.

s 264. Injuries to property

Whoever intentionally injures, defaces, or destroys any property belonging to or deposited in any incorporated library, reading-room, museum or other educational institution, shall be punished by imprisonment in a state prison for not more than three years, or in a county jail for not more than one year, or by a fine of not more than five hundred dollars, or both such fine and imprisonment.

s 265. Detention

Whoever wilfully detains any book, newspaper, magazine, pamphlet, manuscript or other property belonging to any public or incorporated library, reading-room, museum or other educational institution, for thirty days after notice in writing to return the same, given after the expiration of the time which by the rules of such institution, such article or property may be kept, shall be punished by fine of not less than one nor more than twenty-five dollars, or by imprisonment in jail not exceeding six months, and the said notice shall bear on its face a copy of this section.

Civil Practice Law and Rules

s 4509. Library Records

Library records, which contain names or other personally identifying details regarding the users of public, free association, school, college and university libraries and library systems of this state, including but not limited to the circulation of library materials, computer database searches, interlibrary loan transactions, reference queries, requests for photocopies of library materials, films or records, shall be confidential and shall not be disclosed except that such records may be disclosed to the extent necessary for the proper operation of such library and shall be disclosed upon request or consent of the user or pursuant to subpoena, court order or where otherwise required by statute.

Penal Law

s 235.10 Obscenity; presumptions

1. Any person who [promotes or wholesale promotes obscene material, or possesses same with intent to promote or wholesale promote it, in the course of his business is presumed to do so with knowledge of its content and character.
2. A person who possesses six or more identical or similar obscene articles is presumed to possess them with intent to promote the same.

The provisions of this section shall not apply to public libraries or association libraries as defined in subdivision two of section two hundred fifty-three of the education law, or trustees or employees of such public libraries or association libraries when acting in the course and scope of their duties or employment.

s 235.15 Obscenity; defense

1. In any prosecution for obscenity, it is an affirmative defense that the persons to whom allegedly obscene material was disseminated, or the audience to an allegedly obscene performance, consisted of persons or institutions having scientific, educational, governmental or other similar justification for possessing or viewing the same.

SELECTED READINGS

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- Diamond, Sara. Spiritual Warfare. South End Press, 1991.
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- "The Obscenity Debate; Crackdowns on Pornography and Lewdness Draw Cries of Censorship," *CQ Researcher*, December 20, 1991.
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NEWSLETTERS

Censorship News. National Coalition Against Censorship. Quarterly.
\$30/year.

Free Speech Newsletter. Wake Forest University, Department of Speech Communications.
Three times a year. Free.

Freedom to Read Foundation News. Freedom to Read Foundation. Quarterly.
Free with membership.

The Freedom Writer. Institute for First Amendment Studies, Inc. Bimonthly.
Free with membership.

Intellectual Freedom Action News. Office for Intellectual Freedom/ALA. Monthly.
\$25/year.

Newsletter on Intellectual Freedom. Intellectual Freedom Committee/ALA. Bimonthly.
\$40/year.

Perspectives. Playboy Foundation.
Free upon request

PFAW News. People for the American Way. Quarterly.
Free with membership.

Pressure Point. Intellectual Freedom Roundtable/NYLA. Quarterly.
Free with membership.

Right to Know & the Freedom to Act. National Coalition Against Repressive Legislation. Quarterly.
\$15/year.

Right Wing Watch. People for the American Way. Ten times a year.
\$15./year

ON THE INTERNET

ALAOIF (American Library Association Office of Intellectual Freedom) -
'listserv@uicvm.uic.edu' with line 'sub alaoif<your full name>'

FACT (First Amendment Cyber-Tribune) - <http://www.trib.com/FACT/>

IFREEDOM (Intellectual freedom issues with Canadian emphasis) -
'listserv@snoopy.ucis.dal.ca' with line 'sub ifreedom<your full name>'

Computer-Academic-Freedom-Abstract (Weekly summary of alt. comp.
acad-freedom talk) - 'listserv@eff.org' with line 'add comp-academic freedom abstracts'

Appendix A: NYLA Forms

Self-Censorship Quiz

Application for Personal Membership

Incident Report Form & Request for Assistance

SELF-CENSORSHIP QUIZ

Has your library ever:

YES NO

- | | |
|--|--------|
| 1. Not purchased material because a review or publisher's catalog indicated that it was for 'mature readers', had explicit language or illustrations, or might be controversial? | — — |
| 2. Not purchased a popular book because it might be unpopular with parents or pressure groups in the community? | — — |
| 3. Reviewed a potentially controversial item and recommended that it not be purchased because of lack of literary merit, even though other non-controversial materials in the collection also lacked literary merit? | — — |
| 4. Not purchased sex information books from a conservative religious point of view because a staff member found them to be personally repugnant? | — — |
| 5. Purchased a potentially controversial book, but put it in the Adult collection rather than the YA collection? | — — |
| 6. Sequestered potentially controversial materials so that patrons are required to request them? | — — |
| 7. Checked a magazine for potentially controversial content, language, or illustrations and then restricted access or removed it from the collection? | — — |
| 8. Not purchased magazines, videos, rock or rap music, or books because 'they are so popular' they might be stolen? | — — |
| 9. Not purchased material concerning minorities because 'no one in our community is like that'? | — — |
| 10. Not purchased a popular recording because of controversial lyrics or cover art? | — — |
| 11. Set policies based on video or music producers rating labels as a means of restricting access even when no local ordinances prohibit use by minors? | — — |
| 12. Issued library cards to minors restricting use of certain sections of the library (e.g., adult reading room), types of materials (e.g., videos), or services (e.g., interlibrary loan)? | — — |

***If you answered yes to any of these questions, your library
has violated the LIBRARY BILL OF RIGHTS.***

1-800-252-NYLA

☐ institution

"E" Mail _____

\$20.00 Charge for Returned Checks

NYLA: YOUR PROFESSIONAL ADVANTAGE

SCHEDULE OF MEMBERSHIP FEES

PERSONAL MEMBERSHIPS:

First Time: \$25 (never before a NYLA member) Effective 7/1/91 first time members to NYLA are automatically members of the New Members Roundtable (NMRT) for one year at no additional charge.

Regular: Librarians, staff and others in library service or related activities. Dues are calculated according to Annual Gross Income, \$2 for each \$1,000 of income, with a minimum of \$30 and a maximum of \$122. (Example: Gross Income of \$26,400 = \$52 dues.)

Non-Librarian: Associate, Trustee, or Friend interested in the objectives of NYLA not classified as regular members: such as out-of-state individuals, unsalaried or unemployed librarians, and others not directly employed in library and information services.

Student: \$15 with proper identification

Retired: \$30 for previous NYLA members retired after 1/1/88
\$15 for previous NYLA members retired before 1/1/88

The basic section receives 30% of NYLA membership dues for its programs. When no section is checked, all dues go to NYLA organizational programs. Roundtable dues are used for Roundtable programming and projects.

SPECIAL BENEFACTORS OF NYLA (No voting privileges)

Donor: \$50 - \$299 benefactor receives the Bulletin

Patron: \$300+ benefactor receives one full conference registration and the Bulletin

CONTRIBUTION EXPLANATIONS:

SPECIAL PROJECT FUND: Contributions to this fund are used to meet unanticipated needs of NYLA's Legislative Committee, its Intellectual Freedom Committee, and its Membership Committee. They may also be used to address unanticipated activities of the Association when they are in the interest of the majority of the membership.

INTELLECTUAL FREEDOM DEFENSE FUND: Contributions to this resource fund will be used to advance the issues of intellectual freedom. It may be used for supporting NYLA members who find themselves in need of financial help if they are involved in defending the rights of intellectual freedom. Application to the fund may be made by any NYLA member. Decisions about the use of the fund are made by the Intellectual Freedom Committee with the endorsement of the Council of the New York Library Association.

VITALITY FUND: Contributions to this reserve fund bolster NYLA's economic stability.

NYLA dues and gift contributions
are tax deductible to the full extent
allowed by law; \$6 of dues applied
to NYLA Bulletin subscriptions are
not deductible.

**NYLA INTELLECTUAL FREEDOM COMMITTEE
INCIDENT REPORT FORM
REQUEST FOR ASSISTANCE**

Please use this form to report *any* intellectual freedom incident in your library, whether or not you request assistance from NYLA.

TO: Chair, Intellectual Freedom Committee
New York Library Association
252 Hudson Avenue
Albany, New York 12210-6952

FROM: _____
name _____ title _____
library _____ telephone _____
address _____ fax _____
city _____ state _____ zip _____ e-mail _____

TYPE OF LIBRARY ☐ public ☐ school ☐ academic ☐ special ☐ other

DATE OF INCIDENT: _____

Was a formal request made for CONFIDENTIAL library records? ☐ yes ☐ no
(If yes, please explain.)

Was the acquisition of specific MATERIAL challenged? ☐ yes ☐ no

Was the decision not to acquire/ accept specific MATERIAL challenged? ☐ yes ☐ no

Was the presentation of a PROGRAM or EXHIBIT challenged? ☐ yes ☐ no

Was the decision not to present a PROGRAM or EXHIBIT challenged? ☐ yes ☐ no

S	_____	F	☐ book ☐ periodical ☐ textbook ☐ pamphlet
U	title	O	☐ newspaper ☐ student publication
B		R	
J	_____	M	☐ video ☐ audio ☐ electronic
E	author/artist/performer	A	
C		T	☐ program ☐ exhibit ☐ display ☐ other
T	_____		
	publisher/producer		

A
G
E ☐ adult ☐ young adult ☐ child

I
N
I
T
I
A
T
O
R

individual: ☐ patron ☐ staff ☐ board member
 ☐ parent ☐ teacher ☐ administrator ☐ other

group: ☐ local ☐ regional ☐ national
 ☐ religious ☐ special interest ☐ government

Does the library have a written policy on CONFIDENTIALITY of library records? ☐ yes ☐ no
 (If yes, please attach.)

Does the library have a written MATERIALS SELECTION policy? ☐ yes ☐ no
 (If yes, please attach.)

Does the library have written procedures for the RECONSIDERATION of materials? ☐ yes ☐ no
 (If yes, please attach.)

Have the procedures been followed? ☐ yes ☐ no

Does the library have written policies, regulations, and procedures affecting
 ACCESS to library materials, service, and facilities? ☐ yes ☐ no
 (If yes, please attach.)

Has an individual or group filed a statement listing objections? ☐ yes ☐ no
 (If yes, please attach.)

Has local action been taken? ☐ yes ☐ no

Has the incident been reported by local media? ☐ yes ☐ no
 (If yes, please attach clippings or summarize coverage.)

What is the position of the Library/School/Other Board?
 (If there is a written position statement, please attach.)

What is the extent of local support?

DO YOU WISH ASSISTANCE FROM NYLA? ☐ YES ☐ NO

You may also contact the Intellectual Freedom Committee c/o the NYLA office.
 telephone: 800-252-NYLA or fax: 518-427-1697

Does NYLA have permission to forward a summary of the incident to ALA's Office for Intellectual Freedom and to publish
 a report in the IFRT newsletter *Pressure Point*? ☐ yes ☐ no

Appendix B: Sample Policies

Erie Community College Libraries

Fayetteville Free Library

Glens Falls City Schools

Erie Community College
Library Resources Center
Collection Development Policy
November 1991

Librarianship requires a dedication to an objective attitude toward the selection of library materials. Librarians seek to maintain a nondiscriminatory policy in the selection of library materials in order to provide a choice of information – and opinions about that information – to further the pursuit of learning. To this end, the faculty at ECC fully endorses the 'Freedom to Read' statement and the 'Library Bill of Rights,' both created by the American Library Association. (Appendices A & B)

The selection policy following pertains to all library materials, both print and non-print. Although academic libraries are in a constant state of flux due to curricular changes and changes in the interests and needs of our patrons, there are basic tenets of selection that can be followed:

1. Clientele

The primary clientele served by the ECC libraries is the students, faculty, and staff, therefore collection development is curricular driven.

2. Responsibility

Because of their special expertise in their disciplines, faculty recommendations are essential to help maintain the currency of the collection. Staff and student suggestions for new materials are also welcomed. The ultimate responsibility for selection rests with librarians.

3. Factors in Selection

Selection of library materials is dependent upon the following:

1. Mission and Goals of the Erie Community College
2. Educational and recreational needs of the college's clientele
3. Regulations of the N.Y.S. Education Department
[Regulation 52.2(a) of the N.Y.S. Education Department states, "the institution shall provide libraries that possess and maintain collections sufficient in depth and breadth to support the mission of the institution and each registered curriculum."]
4. Code Level set by the American Library Association pertaining to undergraduate and educational institutions. ECC falls into the Basic and Initial Study Levels [Sections C(2) and D].
5. Financial and physical limitations of the library.
6. Conformance to the requirements and limitations of the copyright laws.

Generally outside the scope of the collection are course textbooks and materials for exclusive personal use of students, faculty or staff.

If materials cannot be purchased, every effort will be made to provide the same or similar materials through interlibrary loan, lease or rental.

Criteria for Selection

Judgments of experts, of professionally trained staff members, and of qualified reviewers in the media provide a balance of opinion as the basis for selection. Though a variety of criteria is used for each subject, final decision is based on the value of the material to the library and its patrons, regardless of the personal taste of the selectors. Some of these criteria may include:

- Accuracy
- Authority and competence in presentation
- Availability of information elsewhere in the community
- Contemporary significance
- Ease of use
- Factors of publishing industry
- Format
- Language
- Permanent value
- Popular demand
- Price
- Publishing output
- Quality in content and format
- Recommendations or requirements of accredited agencies
- Relation of work to existing collection (duplication balance)
- Scarcity of information in subject area
- Subject currency

These factors and criteria apply equally to materials purchased and those accepted as gifts.

Continuous periodic evaluation of the library holdings is an essential part of collection development. The same criteria are used in discarding materials from the collection as are used in their acquisition.

Special Aspects of Resource Selection

A. When possible, efforts will be made to cooperatively acquire materials to be used across the three ECC campuses. All three campuses will also participate in mutually beneficial cooperative collection development with other area libraries.

B. The collection may include: works of an authentic genius, within the realm of their specific contribution, regardless of their moral or political reputation; works of potential historical significance, regardless of political or social variance; key materials in fields that represent an aspect or belief or opinion which has not been completely authenticated. Variety of opinion is represented whenever feasible.

Challenged Materials

Censorship of materials shall be contested in order to maintain the college's responsibility to provide information and the means of enlightenment. Challenges of library materials must be registered in writing before any action can take place. Forms for this purpose will be available in each library. Any challenge will be reviewed by a committee with representation from the community, college administration, faculty, students and library faculty.

Form for Challenged Library Materials
Erie Community College Libraries

The Erie Community College Libraries are educational institutions and try to present a cross-section of viewpoints, without endorsement or bias. Librarians subscribe to the Freedom to Read statement of the American Library Association, which says in part,

"We believe that free communication is essential to the preservation of a free society and a creative culture."

Materials about which you are registering a challenge:

Format:

Title:

Author/Presenter:

Call Number:

Have you read/listened to/seen the entire work? ☐ yes
☐ no

What specific objections do you have concerning this work? (Please cite page number(s) if the work is print.)

What action would you like the library staff to take in this matter?

Your name, address and phone number:

Today's date:

Any challenge will be reviewed by a committee with representation from the community, college administration, faculty, students and library faculty.

FAYETTEVILLE FREE LIBRARY
MATERIALS SELECTION POLICY

PURPOSE

The purpose of the Fayetteville Free Library materials selection policy is to guide librarians and to inform the public about the principles upon which selections are made.

The Library sets as its major goal in materials selection to secure for all residents of the Fayetteville community the informational, educational, cultural and recreational materials that fit their needs.

DEFINITIONS

The word 'materials' used for the specific forms of media, has the widest possible meaning. It may include (but is not limited to) books (hardbound and paperbound), pamphlets, maps, magazines and journals, newspapers, manuscripts, films, sound discs, sound tapes, and videotapes.

RESPONSIBILITY FOR MATERIALS SELECTION

The ultimate responsibility for selection rests with the Library Director who operates within the framework of the policies approved by the Board of Trustees. The Director may authorize other staff to apply this policy in building the Library collection.

CRITERIA OF SELECTION

These basic principles are applied as guidelines for selection. Every item should meet such of the following criteria as are applied to its inclusion in the collection:

1. The degree and accomplishment of purpose;
2. Authority and competency of the author, composer, filmmaker, etc.;
3. Comprehensiveness in breadth and scope;
4. Sincerity and fundamental objectivity;
5. Clarity and accuracy of presentation;
6. Appropriateness to the interests and skills of the interested users;
7. Relation to the existing collection;
8. Relative importance in comparison with other materials on the subject;
9. Importance as a record of the times for present and future use.

USE OF LIBRARY MATERIAL

The Library recognizes that many materials are controversial and that any given item may offend some library user. Selections will not be made on the basis of any anticipated approval or disapproval, but solely on the merits of the works in relation to building of the collection and to serving the interests of the Fayetteville community.

Library materials will not be marked or identified to show approval or disapproval of the contents, and no item will be sequestered except for the express purpose of protecting it from injury or theft.

The use of rare and scarce items of great value may be controlled to the extent required to preserve them from harm, but no further.

Responsibility for the reading, listening, and viewing of Library materials by children rests with their parents or legal guardians. Selection will not be inhibited by the possibility that materials may inadvertently come into the possession of children.

GUIDELINES FOR SELECTION

1. The Library adheres to the principles contained in the American Library Association Bill of Rights and the American Library Association statement on the 'Freedom to Read.' A copy of the Bill of Rights is permanently attached to this policy.
2. The Library recognizes the purpose and resources of other libraries in Onondaga County and shall not needlessly duplicate functions and materials. Through cooperative agreements the resources of these libraries may be made available to the Fayetteville community.
3. The Library acknowledges the purposes of educational programs for students of all ages provided by the educational institutions in the area. Text books and curriculum-related materials for these programs are provided where the materials also serve the general public or where they provide information not otherwise available.
4. Legal and medical works will be acquired only to the extent that they are useful to the layman.

5. The Library acknowledges a particular interest in Fayetteville history. Therefore, it seeks to acquire related materials.
6. Because the Library serves a public embracing a wide range of ages, educational backgrounds and reading abilities, it will always seek to select materials of varying complexity.
7. In selecting materials for the collection the Library will consider the special, commercial, industrial, cultural and civic enterprise of the community.

GIFTS

The Library accepts gifts of materials, but reserves the right to evaluate and dispose of them in accordance with the criteria applied to purchased materials. No other considerations may be imposed relating to any gift either before or after its acceptance by the Library. The Library does not provide evaluations of gifts for tax deductions or other purposes.

MAINTAINING THE COLLECTION

Materials which no longer serve a need will be removed from the collection. Decisions for removal will be based on circulation, physical condition, usefulness, age and accuracy.

RECONSIDERATION OF MATERIAL

Procedures have been developed for the reconsideration of materials to assure that objections or complaints are handled in an attentive and consistent manner. Once an item has been accepted for purchase, based on the Materials Selection Policy of the Library Board of Trustees and the criteria for selection, it will not be automatically removed upon request.

REVISION OF POLICY

This policy will be revised as times and circumstance require.

approved 11/21/89

**FAYETTEVILLE FREE LIBRARY
RECONSIDERATION OF LIBRARY MATERIALS**

The choice of library materials by patrons is an individual matter. While a person may reject materials for himself he may not exercise censorship to restrict access to the materials by others.

Recognizing that a diversity of materials may result in some requests for reconsideration, the following procedures have been developed to assure that objections or complaints are handled in an attentive and consistent manner.

A. The person with the request for reconsideration should be referred immediately to the Library Director or to the person in charge in the absence of the Library Director. The person in charge should explain to the patron that selections are made in accordance with the Materials Selection Policy of the Board of Trustees of the Fayetteville Free Library. If the user is not satisfied with the explanation received, he may ask for reconsideration in the following manner:

1. The person making the request for reconsideration must complete a Request for Reevaluation of a Book or Other Library Material form.
2. The Request for Reevaluation will be referred to a committee consisting of the Library Director, the person selecting the books and another professional Library staff person.
3. The committee will reconsider the item in question using the Materials Selection Policy and reviews from recognized sources.
4. The Library Director will then write to the patron regarding the committee's recommended action. The reviewers' comments are to be held confidential by all concerned. Brief quotes, however, may be used in the Library Director's letter to the patron.

B. If the patron desires further action he may appeal in writing to the Fayetteville Library Board of Trustees.

FAYETTEVILLE FREE LIBRARY
REQUEST FOR REEVALUATION OF A BOOK OR OTHER LIBRARY MATERIAL

Title _____

Author _____

Book? _____ If no, what? _____

Name of person making request _____

Address _____ Telephone _____

Patron represents himself? _____ A Group? _____

If Group, give name _____

.....
.....

1. What do you believe is the theme or purpose of the material? _____

2. Is your objection to this material based upon personal exposure to it, upon reports you have heard, or both?

3. Have you read/heard/seen the material in its entirety? _____

4. To what do you specifically object? _____

5. Does the material have any merit or value? _____

6. Are you aware of the judgment regarding the book or material by literary or educational reviewers?

7. What action would you recommend be taken regarding the use of this material? _____

signature _____

date _____

GLENS FALLS CITY SCHOOLS
SELECTING THE SCHOOL LIBRARY MEDIA COLLECTION POLICY

I. STATEMENT OF PRINCIPLE

Each selection for a library media collection* is chosen to build the balance, reliability, and comprehensiveness of the total collection. By providing materials appropriate to the total school program, the school library and the librarian assume an integral role in the education process.

Library materials are selected to contribute to the development of well-rounded, intellectually capable citizens who have an understanding of themselves and others at home and abroad. Materials are also selected to insure that students have access to relevant information which allows careful examination of all sides of an issue.

To this end, the Board of Education and the media centers of Glens Falls City School District reaffirm and act on the principles adopted by the American Library Association and stated in the Library Bill of Rights and "Access to Resources and Services in the School Library Media Program: an Interpretation of the LIBRARY BILL OF RIGHTS." These principles assert that the responsibility of the school librarian is to select the books and materials which expand a balanced and comprehensive collection.

*Library media collections include print and nonprint materials such as films, filmstrips, audio and video cassettes, computer programs, etc.

II. THE POLICY

It shall be the policy of the Board of Education to support and, if necessary, defend the district librarians in their application of the principles of the Library Bill of Rights and "Access to Resources and Services in the School Library Media Program: An Interpretation of the LIBRARY BILL OF RIGHTS." It is also expected that librarians will accept gifts to the Library Media Centers with discretion, based on these same principles.

III. EXCEPTIONS

None.

IV. GUIDELINES. WHAT TO SELECT

A. Criteria for Selection

1. Basic - for all forms of media
 - a. quality of content
 - b. authority and competency of the author, composer, filmmaker, etc.
 - c. clarity and accuracy of presentation
 - d. appropriateness to the interests and skills of the intended users
 - e. contribution of material to the total collection
 - f. contribution as a record of the times for present and future use
2. Additional - for material supporting classroom projects
 - a. matches and supports the general goals of the educational program
 - b. fosters respect and awareness of the contributions of all members of our pluralistic society, i.e., enhances knowledge of cultural diversity
 - c. contributes to the development of critical thinking and cultural appreciation in our changing society

B. Tools for Selection

1. Previewing Actual Material - When materials and time are available, so that it is practical, the actual materials are to be viewed.
2. Reading Reviews of Material - When material cannot be viewed, reliable professional selection tools will serve to guide the media specialist in choosing material including, but not limited to, the following: School Library Journal, Library Journal, Booklist, The Book Report, The Children's Catalog, The Horn Book, The New York Times Book Review, Kliatt Paperback Book Guide, Wilson Library Bulletin, etc.

GLENS FALLS CITY SCHOOLS
REVIEW OF LIBRARY MATERIALS POLICY

I. STATEMENT OF PRINCIPLE

Despite efforts to develop and disseminate a detailed Selecting the School Library Media Collection Policy, the nature of controversy is such that exception may be taken to some materials. If a question or complaint about specific material cannot be handled informally by the librarian or principal, the complainant should be invited to file the objections in writing on a form provided for the purpose. The importance of a detailed, formal written procedure for requesting the reevaluation of any materials cannot be overemphasized. Based upon the professional literature, the guidelines cited below will be followed.

It should be noted that during the review process, the materials will continue to be available. It should also be noted that it is expected that the complainant has read or viewed the material in its entirety before continuing the process.

II. THE POLICY

It shall be the policy of the Board to support the rights of the community (i.e., students enrolled in Glens Falls City School District, parents or guardians of students, and district staff) to request review of library materials, provided the process outline in the guidelines below is followed.

III. EXCEPTIONS.

None.

IV. GUIDELINES

- A. If informal contact with the librarian has not resolved the concern, the complainant(s) are asked to put their concern in writing to the building principal, including the name of the objectionable material, specific complaint(s) against the materials, and the assurance that the complainant(s) have read/viewed the material in its entirety.
- B. The building principal will schedule and hold a conference with the complainant(s) and deliver a written reply within ten (10) work days.
- C. If the complainant's concern is not satisfactorily addressed at this level, he/she has a right of appeal to the Director of Curriculum (or other designee of the Superintendent), by filing a "Request for Review of Library Materials." If the Director of Curriculum (or other designee) considers this to be a serious matter, a committee may be formed to study the complaint and make recommendations. This committee will include representatives from administration, the Board of Education, parents, the community, school librarians, teachers, students and/or other qualified persons.
- D. Within a reasonable amount of time the committee will review the statement of complaint and any other material(s) or statements they deem appropriate to the complaint. The committee will deliver a summary statement and decision to the Superintendent and the Board of Education.
- E. An appeal of this recommendation may be made to the Board of Education.
- F. A record of the recommendations rendered will be maintained for future reference.

GLENS FALLS CITY SCHOOLS
REQUEST FOR REVIEW OF LIBRARY MATERIALS

Title: _____

Author: _____ Book _____ Film _____

Other _____

Publisher or Producer: _____ For Grade: _____

Material Used in Library _____ or Elsewhere _____

Librarian/Building: _____

Request initiated by (Name): _____ Date _____

Telephone _____ Street _____

Post Office _____

Complainant represents Individual _____ or Organization/Group _____

If group, Name: _____

1. What do you believe is the theme or purpose of the material?

2. Is your objection to this material based upon your personal exposure to it, upon reports you have heard, or both?

3. Have you read/heard/seen the material in its entirety?

4. To what do you specifically object?

5. Does the material have any merit or value for a specific population or age group?

6. For what age group do you believe this material would be appropriate?

7. Are you aware of the judgment regarding this book or material by literary or educational reviewers?

8. What action would you recommend be taken regarding the use of this material in the school?

Signature _____

(Date Signed)

Appendix C: American Library Association Documents

Freedom to Read Statement

Library Bill of Rights

Interpretations of the Library Bill of Rights:

Access to Resources and Services in the School Library Media Program

Challenged Materials

Diversity in Collection Development

Evaluating Library Collections

Exhibit Spaces and Bulletin Boards

Expurgation of Library Materials

Free Access to Libraries for Minors

Library Initiated Programs

Meeting Rooms

Restricted Access to Library Materials

Statement on Labeling

American Library Association Code of Ethics

Guidelines for the Development and Implementation of Policies, Regulations and Procedures Affecting Access to Library Materials, Services and Facilities

Guidelines for the Development of Policies and Procedures Regarding User Behavior and Library Usage

Policy Concerning Confidentiality of Personally Identifiable Information About Library Users

Policy on Confidentiality of Library Records

Suggested Procedures for Implementing "Policy on Confidentiality of Library Records"

THE FREEDOM TO READ STATEMENT

The freedom to read is essential to our democracy. It is continuously under attack. Private groups and public authorities in various parts of the country are working to remove books from sale, to censor textbooks, to label "controversial" books, to distribute lists of "objectionable" books or authors, and to purge libraries. These actions apparently rise from a view that our national tradition of free expression is no longer valid; that censorship and suppression are needed to avoid the subversion of politics and the corruption of morals. We, as citizens devoted to the use of books as librarians and publishers responsible for disseminating them, wish to assert the public interest in the preservation of the freedom to read.

We are deeply concerned about these attempts at suppression. Most such attempts rest on a denial of the fundamental premise of democracy: that the ordinary citizen, by exercising critical judgment, will accept the good and reject the bad. The censors, public and private, assume that they should determine what is good and what is bad for their fellow-citizens.

We trust Americans to recognize propaganda, and to reject it. We do not believe they need the help of censors to assist them in this task. We do not believe they are prepared to sacrifice their heritage of a free press in order to be "protected" against what others think may be bad for them. We believe they still favor free enterprise in ideas and expression.

We are aware, of course, that books are not alone in being subjected to efforts at suppression. We are aware that these efforts are related to a larger pattern of pressures being brought against education, the press, films, radio and television. The problem is not only one of actual censorship. The shadow of fear cast by these pressures leads, we suspect, to an even larger voluntary curtailment of expression by those who seek to avoid controversy.

Such pressure toward conformity is perhaps natural to a time of uneasy change and pervading fear. Especially when so many of our apprehensions are directed against an ideology, the expression of a dissident idea becomes a thing feared in itself, and we tend to move against it as against a hostile deed, with suppression.

And yet suppression is never more dangerous than in such a time of social tension. Freedom has given the United States the elasticity to endure strain. Freedom keeps open the path of novel and creative solutions, and enables change to come by choice. Every silencing of a heresy, every enforcement of an orthodoxy, diminishes the toughness and resilience of our society and leaves it the less able to deal with stress.

Now as always in our history, books are among our greatest instruments of freedom. They are almost the only means for making generally available ideas or manners of expression that can initially command only a small audience. They are the natural medium for the new idea and the untried voice from which come the original contributions to social growth. They are essential to the extended discussion which serious thought requires, and to the accumulation of knowledge and ideas into organized collections.

We believe that free communication is essential to the preservation of a free society and a creative culture. We believe that these pressures towards conformity present the danger of limiting the range and variety of inquiry and expression on which our democracy and our culture depend. We believe that every American community must jealously guard the freedom to publish and to circulate, in order to preserve its own freedom to read. We believe that publishers and librarians have a profound responsibility to give validity to that freedom to read by making it possible for the readers to choose freely from a variety of offerings.

The freedom to read is guaranteed by the Constitution. Those with faith in free people will stand firm on these constitutional guarantees of essential rights and will exercise the responsibilities that accompany these rights.

We therefore affirm these propositions:

1. It is in the public interest for publishers and librarians to make available the widest diversity of views and expressions, including those which are unorthodox or unpopular with the majority.

Creative thought is by definition new, and what is new is different. The bearer of every new thought is a rebel until that idea is refined and tested. Totalitarian systems attempt to maintain themselves in power by the ruthless suppression of any concept which challenges the established orthodoxy. The power of a democratic system to adapt to change is vastly strengthened by the freedom of its citizens to choose widely from among conflicting opinions offered freely to them. To stifle every nonconformist idea at birth would mark the end of

the democratic process. Furthermore, only through the constant activity of weighing and selecting can the democratic mind attain the strength demanded by times like these. We need to know not only what we believe but why we believe it.

2. Publishers, librarians and booksellers do not need to endorse every idea or presentation contained in the books they make available. It would conflict with the public interest for them to establish their own political, moral or aesthetic views as a standard for determining what books should be published or circulated.

Publishers and librarians serve the educational process by helping to make available knowledge and ideas required for the growth of the mind and the increase of learning. They do not foster education by imposing as mentors the patterns of their own thought. The people should have freedom to read and consider a broader range of ideas than those that may be held by any single librarian or publisher or government or church. It is wrong that what one can read should be confined to what another thinks proper.

3. It is contrary to the public interest for publishers or librarians to determine the acceptability of a book on the basis of the personal history or political affiliations of the author.

A book should be judged as a book. No art or literature can flourish if it is to be measured by the political views or private lives of its creators. No society of free people can flourish which draws up lists of writers to whom it will not listen, whatever they may have to say.

4. There is no place in our society for efforts to coerce the taste of others, to confine adults to the reading matter deemed suitable for adolescents, or to inhibit the efforts of writers to achieve artistic expression.

To some, much of modern literature is shocking. But is not much of life itself shocking? We cut off literature at the source if we prevent writers from dealing with the stuff of life. Parents and teachers have a responsibility to prepare the young to meet the diversity of experience in life to which they will be exposed, as they have a responsibility to help them learn to think critically for themselves. These are affirmative responsibilities, not to be discharged simply by preventing them from readings works for which they are not prepared. In these matters tastes differs, and taste cannot be legislated; nor can machinery be devised which will suit the demands of one group without limiting the freedom of others.

5. It is not in the public interest to force a reader to accept with any book the prejudgment of a label characterizing the book or author as subversive or dangerous.

The ideal of labeling presupposes the existence of individuals or groups with wisdom to determine by authority what is good or bad for the citizen. It presupposes that individuals must be directed in making up their minds about the ideas they examine. But Americans do not need others to do their thinking for them.

6. It is the responsibility of publishers and librarians, as guardians of the people's freedom to read, to contest encroachments upon that freedom by individuals or groups seeking to impose their own standards or tastes upon the community at large.

It is inevitable in the give and take of the democratic process that the political, the moral, or the aesthetic concepts of an individual or group will occasionally collide with those of another individual or group. In a free society individuals are free to determine for themselves what they wish to read, and each group is free to determine what it will recommend to its freely associated members. But no group has the right to take the law into its own hands, and to impose its own concept of politics or morality upon other members of a democratic society. Freedom is no freedom if it is accorded only to the accepted and the inoffensive.

7. It is the responsibility of publishers and librarians to give full meaning to the freedom to read by providing books that enrich the quality and diversity of thought and expression. By the exercise of this affirmative responsibility, they can demonstrate that the answer to a bad book is good one, the answer to a bad idea is a good one.

The freedom to read is of little consequence when expended on the trivial; it is frustrated when the reader cannot obtain matter fit for that reader's purpose. What is needed is not only the absence of restraint, but the positive provision of opportunity for the people to read the best that has been thought and said. Books are the major channel by which the intellectual inheritance is handed down, and the principal means of its testing and growth. The defense of their freedom and integrity, and the enlargement of their service to society, requires of all publishers and librarians the utmost of their faculties, and deserves of all citizens the fullest of their support.

We state these propositions neither lightly nor as easy generalizations. We here stake out a lofty claim for the value of books. We do so because we believe that they are good, possessed of enormous variety and usefulness, worthy of cherishing and keeping free. We realize that the application of these propositions may mean the dissemination of ideas and manners of expression that are repugnant to many persons. We do not state these propositions in the comfortable belief that what people read is unimportant. We believe rather that what people read is deeply important; that ideas can be dangerous; but that the suppression of ideas is fatal to a democratic society. Freedom itself is a dangerous way of life, but it is ours.

This statement was originally issued in May of 1953 by the Westchester Conference of the American Library Association and the American Book Publishers Council, which in 1970 consolidated with the American Educational Publishers Institute to become the Association of American Publishers.

Adopted June 25, 1953; revised January 28, 1972, January 16, 1991, by the ALA Council and the AAP Freedom to Read Committee.

A Joint Statement by:

American Library Association
Association of American Publishers

Subsequently Endorsed by:

American Booksellers Association
American Booksellers Foundation for Free Expression
American Civil Liberties Union
American Federation of Teachers AFL-CIO
Anti-Defamation League of B'nai B'rith
Association of American University Presses
Children's Book Council
Freedom to Read Foundation
International Reading Association
Thomas Jefferson Center for the Protection of Free Expression
National Association of College Stores
National Council of Teachers of English
P.E.N. - American Center
People for the American Way
Periodical and Book Association of America
Sex Information and Education Council of the U.S.
Society of Professional Journalists
Woman's National Book Association
YWCA of the U.S.A.

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LIBRARY BILL OF RIGHTS

The American Library Association affirms that all libraries are forums for information and ideas, and that the following basic policies should guide their services.

1. Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.
2. Libraries should provide materials and information presenting all points of view on current and historic issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.
3. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.
4. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.
5. A person's right to use a library should not be denied or abridged because of origin, age, background, or views.
6. Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.

Adopted June 18, 1948; amended February 2, 1961, and January 23, 1980, by the ALA Council.

ACCESS TO RESOURCES AND SERVICES IN THE SCHOOL LIBRARY MEDIA PROGRAM

An Interpretation of the LIBRARY BILL OF RIGHTS

The school library media program plays a unique role in promoting intellectual freedom. It serves as a point of voluntary access to information and ideas and as a learning laboratory for students as they acquire critical thinking and problem solving skills needed in a pluralistic society. Although the educational level and program of the school necessarily shapes the resources and services of a school library media program, the principles of the LIBRARY BILL OF RIGHTS apply equally to all libraries, including school library media programs.

School library media professionals assume a leadership role in promoting the principles of intellectual freedom within the school by providing resources and services that create and sustain an atmosphere of free inquiry. School library media professionals work closely with teachers to integrate instructional activities in classroom units designed to equip students to locate, evaluate, and use a broad range of ideas effectively. Through resources, programming, and educational processes, students and teachers experience the free and robust debate characteristic of a democratic society.

School library media professionals cooperate with other individuals in building collections of resources appropriate to the developmental and maturity levels of students. These collections provide resources which support the curriculum and are consistent with the philosophy, goals, and objectives of the school district. Resources in school library media collections represent diverse points of view and current as well as historical issues.

While English is, by history and tradition, the customary language of the United States, the languages in use in any given community may vary. Schools serving communities in which other languages are used make efforts to accommodate the needs of students for whom English is a second language. To support these efforts, and to ensure equal access to resources and services, the school library media program provides resources and services which reflect the linguistic pluralism of the community.

Members of the school community involved in the collection development process employ educational criteria to select resources unfettered by their personal, political, social, or religious views. Students and educators served by the school library media program have access to resources and services free of constraints resulting from personal, partisan, or doctrinal disapproval. School library media professionals resist efforts by individuals to define what is appropriate for all students or teachers to read, view, or hear.

Major barriers between students and resources include: imposing age or grade level restrictions on the use of resources, limiting the use of interlibrary loan and access to electronic information, charging fees for information in specific formats, requiring permissions from parents or teachers, establishing restricted shelves or closed collections, and labeling. Policies, procedures, and rules related to the use of resources and services support free and open access to information.

The school board adopts policies that guarantee students access to a broad range of ideas. These include policies on collection development and procedures for the review of resources about which concerns have been raised. Such policies, developed by persons in the school community, provide for a timely and fair hearing and assure that procedures are applied equitably to all expressions of concern. School library media professionals implement district policies and procedures in the school.

Adopted July 2, 1986; amended January 10, 1990, by the ALA Council.

[ISBN 8389-7053-2]

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CHALLENGED MATERIALS

An Interpretation of the LIBRARY BILL OF RIGHTS

The American Library Association declares as a matter of firm principle that it is the responsibility of every library to have a clearly defined materials selection policy in written form which reflects the LIBRARY BILL OF RIGHTS, and which is approved by the appropriate governing authority.

Challenged materials which meet the criteria for selection in the materials selection policy of the library should not be removed under any legal or extra-legal pressure. The LIBRARY BILL OF RIGHTS states in Article I that "Materials should not be excluded because of the origin, background, or views of those contributing to their creation," and in Article II, that "Materials should not be proscribed or removed because of partisan or doctrinal disapproval." Freedom of expression is protected by the Constitution of the United States, but constitutionally protected expression is often separated from unprotected expression only by a dim and uncertain line. The Constitution requires a procedure designed to focus searchingly on challenged expression before it can be suppressed. An adversary hearing is a part of this procedure.

Therefore, any attempt, be it legal or extra-legal, to regulate or suppress materials in libraries must be closely scrutinized to the end that protected expression is not abridged.

Adopted June 25, 1971; amended July 1, 1981; amended January 10, 1990, by the ALA Council.

[ISBN 8389-6083-9]

DIVERSITY IN COLLECTION DEVELOPMENT

An Interpretation of the LIBRARY BILL OF RIGHTS

Throughout history, the focus of censorship has fluctuated from generation to generation. Books and other materials have not been selected or have been removed from library collections for many reasons, among which are prejudicial language and ideas, political content, economic theory, social philosophies, religious beliefs, sexual forms of expression, and other topics of a potentially controversial nature.

Some examples of censorship may include removing or not selecting materials because they are considered by some as racist or sexist; not purchasing conservative religious materials; not selecting materials about or by minorities because it is thought that these groups or interests are not represented in a community; or not providing information on or materials from non-mainstream political entities.

Librarians may seek to increase user awareness of materials on various social concerns by many means, including, but not limited to, issuing bibliographies and presenting exhibits and programs.

Librarians have a professional responsibility to be inclusive, not exclusive in collection development and in the provision of interlibrary loan. Access to all materials legally obtainable should be assured to the user, and policies should not unjustly exclude materials even if they are offensive to the librarian or the user. Collection development should reflect the philosophy inherent in Article II of the LIBRARY BILL OF RIGHTS: "Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval." A balanced collection reflects a diversity of materials, not an equality of numbers. Collection development responsibilities include selecting materials in the languages in common use in the community which the library serves. Collection development and the selection of materials should be done according to professional standards and established selection and review procedures.

There are many complex facets to any issue, and variations of context in which issues may be expressed, discussed, or interpreted. Librarians have a professional responsibility to be fair, just, and equitable and to give all library users equal protection in guarding against violation of the library patron's right to read, view, or listen to materials and resources protected by the First Amendment, no matter what the viewpoint of the author, creator, or selector. Librarians have an obligation to protect library collections from removal of materials based on personal bias or prejudice, and to select and support the access to materials on all subjects that meet, as closely as possible, the needs and interests of all persons in the community which the library serves. This includes materials that reflect political, economic, religious, social, minority, and sexual issues.

Intellectual freedom, the essence of equitable library services, provides for free access to all expressions of ideas through which any and all sides of a question, cause, or movement may be explored. Toleration is meaningless without tolerance for what some may consider detestable. Librarians cannot justly permit their own preferences to limit their degree of tolerance in collection development, because freedom is indivisible.

Adopted July 14, 1982; amended January 10, 1990, by the ALA Council.

[ISBN 8389-6552-0]

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EVALUATING LIBRARY COLLECTIONS

An Interpretation of the LIBRARY BILL OF RIGHTS

The continuous review of library materials is necessary as a means of maintaining an active library collection of current interest to users. In the process, materials may be added and physically deteriorated or obsolete materials may be replaced or removed in accordance with the collection maintenance policy of a given library and the needs of the community it serves. Continued evaluation is closely related to the goals and responsibilities of libraries and is a valuable tool of collection development. This procedure is not to be used as a convenient means to remove materials presumed to be controversial or disapproved of by segments of the community. Such abuse of the evaluation function violates the principles of intellectual freedom and is in opposition to the Preamble and Articles 1 and 2 of the LIBRARY BILL OF RIGHTS, which state:

The American Library Association affirms that all libraries are forums for information and ideas, and that the following basic policies should guide their services.

1. Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background or views of those contributing to their creation.
2. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.

The American Library Association opposes such "silent censorship" and strongly urges that libraries adopt guidelines setting forth the positive purposes and principles of evaluation of materials in library collections.

Adopted February 3, 1973; amended July 1, 1981, by the ALA Council.

[ISBN 8389-5406-5]

EXHIBIT SPACES AND BULLETIN BOARDS

An Interpretation of the LIBRARY BILL OF RIGHTS

Libraries often provide exhibit spaces and bulletin boards. The uses made of these spaces should conform to the LIBRARY BILL OF RIGHTS: Article I states, "Materials should not be excluded because of the origin, background, or views of those contributing to their creation." Article II states, "Materials should not be proscribed or removed because of partisan or doctrinal disapproval." Article IV maintains that exhibit space should be made available "on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use."

In developing library exhibits, staff members should endeavor to present a broad spectrum of opinion and a variety of viewpoints. Libraries should not shrink from developing exhibits because of controversial content or because of the beliefs or affiliations of those whose work is represented. Just as libraries do not endorse the viewpoints of those whose works are represented in their collections, libraries also do not endorse the beliefs or viewpoints of topics which may be the subject of library exhibits.

Exhibit areas often are made available for use by community groups. Libraries should formulate a written policy for the use of these exhibit areas to assure that space is provided on an equitable basis to all groups which request it.

Written policies for exhibit space use should be stated in inclusive rather than exclusive terms. For example, a policy that the library's exhibit space is open "to organizations engaged in educational, cultural, intellectual, or charitable activities" is an inclusive statement of the limited uses of the exhibit space. This defined limitation would permit religious groups to use the exhibit space because they engage in intellectual activities, but would exclude most commercial uses of the exhibit space.

A publicly supported library may limit use of its exhibit space to strictly "library-related" activities, provided that the limitation is clearly circumscribed and is viewpoint neutral.

Libraries may include in this policy rules regarding the time, place, and manner of use of the exhibit space, so long as the rules are content-neutral and are applied in the same manner to all groups wishing to use the space. A library may wish to limit access to exhibit space to groups within the community served by the library. This practice is acceptable provided that the same rules and regulations apply to everyone, and that exclusion is not made on the basis of the doctrinal, religious, or political beliefs of the potential users.

The library should not censor or remove an exhibit because some members of the community may disagree with its content. Those who object to the content of any exhibit held at the library should be able to submit their complaint and/or their own exhibit proposal to be judged according to the policies established by the library.

Libraries may wish to post a permanent notice near the exhibit area stating that the library does not advocate or endorse the viewpoints of exhibits or exhibitors.

Libraries which make bulletin boards available to public groups for posting notices of public interest should develop criteria for the use of these spaces based on the same considerations as those outlined above. Libraries may wish to develop criteria regarding the size of material to be displayed, the length of time materials may remain on the bulletin board, the frequency with which material may be posted for the same group, and the geographic area from which notices will be accepted.

Adopted July 2, 1991, by the ALA Council.

[ISBN 8389-75512-8]

EXPURGATION OF LIBRARY MATERIALS

An Interpretation of the LIBRARY BILL OF RIGHTS

Expurgating library materials is a violation of the LIBRARY BILL OF RIGHTS. Expurgation as defined by this interpretation includes any deletion, excision, alteration, editing, or obliteration of any part(s) of books or other library resources by the library, its agent, or its parent institution (if any). By such expurgation, the library is in effect denying access to the complete work and the entire spectrum of ideas that the work intended to express. Such action stands in violation of Articles 1, 2, and 3 of the LIBRARY BILL OF RIGHTS, which states that "Materials should not be proscribed or removed because of partisan or doctrinal disapproval," and the "Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment."

The act of expurgation has serious implications. It involves a determination that it is necessary to restrict access to the complete work. This is censorship. When a work is expurgated, under the assumption that certain portions of that work would be harmful to minors, the situation is no less serious.

Expurgation of any books or other library resources imposes a restriction, without regard to the rights and desires of all library users, by limiting access to ideas and information.

Further, expurgation without written permission from the holder of the copyright on the material may violate the copyright provisions of the United States Code.

Adopted February 2, 1973; amended July 1, 1981; amended January 10, 1990, by the ALA Council.

[ISBN 8389-5419-7]

FREE ACCESS TO LIBRARIES FOR MINORS

An Interpretation of the LIBRARY BILL OF RIGHTS

Library policies and procedures which effectively deny minors equal access to all library resources available to other users violate the LIBRARY BILL OF RIGHTS. The American Library Association opposes all attempts to restrict access to library services, materials, and facilities based on the age of library users.

Article V of the LIBRARY BILL OF RIGHTS states, "A person's right to use a library should not be denied or abridged because of origin, age, background, or views." The "right to use a library" includes free access to, and unrestricted use of, all the services, materials, and facilities the library has to offer. Every restriction on access to, and use of, library resources, based solely on the chronological age, educational level, or legal emancipation of users violates Article V.

Libraries are charged with the mission of developing resources to meet the diverse information needs and interests of the communities they serve. Services, materials, and facilities which fulfill the needs and interests of library users at different stages in their personal development are a necessary part of library resources. The needs and interests of each library user, and resources appropriate to meet those needs and interests, must be determined on an individual basis. Librarians cannot predict what resources will best fulfill the needs and interests of any individual user based upon a single criterion such as chronological age, level of education, or legal emancipation.

The selection and development of library resources should not be diluted because of minors having the same access to library resources as adult users. Institutional self-censorship diminishes the credibility of the library in the community, and restricts access for all library users.

Librarians and governing bodies should not resort to age restrictions on access to library resources in an effort to avoid actual or anticipated objections from parents or anyone else. The mission, goals, and objectives of libraries do not authorize librarians or governing bodies to assume, abrogate, or overrule the rights and responsibilities of parents or legal guardians. Librarians and governing bodies should maintain that parents - and only parents - have the right and the responsibility to restrict the access of their children - and only their children - to library resources. Parents or legal guardians who do not want their children to have access to certain library services, materials or facilities, should so advise their children. Librarians and governing bodies cannot assume the role of parents or the functions of parental authority in the private relationship between parent and child. Librarians and governing bodies have a public and professional obligation to provide equal access to all library resources for all library users.

Librarians have a professional commitment to ensure that all members of the community they serve have free and equal access to the entire range of library resources regardless of content, approach, format, or amount of detail. This principle of library service applies equally to all users, minors as well as adults. Librarians and governing bodies must uphold this principle in order to provide adequate and effective service to minors.

Adopted June 30, 1972; amended July 1, 1981; July 3, 1991, by the ALA Council.
[ISBN 8389-7549-6]

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LIBRARY INITIATED PROGRAMS AS A RESOURCE

An Interpretation of the LIBRARY BILL OF RIGHTS

Library initiated programs support the mission of the library by providing users with additional opportunities for information, education and recreation. Article 1 of the LIBRARY BILL OF RIGHTS states: "Books and other library resources should be provided for the interest, information and enlightenment of all people of the community the library serves."

Library initiated programs take advantage of library staff expertise, collections, services and facilities to increase access to information and information resources. Library initiated programs introduce users and potential users to the resources of the library and to the library's primary function as a facilitator of information access. The library may participate in cooperative or joint programs with other agencies, organizations, institutions or individuals as part of its own effort to address information needs and to facilitate information access in the community the library serves.

Library initiated programs on site and in other locations include, but are not limited to, speeches, community forums, discussion groups, demonstrations, displays, and live or media presentations.

Libraries serving multilingual or multicultural communities make efforts to accommodate the information needs of those for whom English is a second language. Library initiated programs across language and cultural barriers introduce otherwise unserved populations to the resources of the library and provide access to information.

Library initiated programs "should not be proscribed or removed (or canceled) because of partisan or doctrinal disapproval" of the contents of the program or the views expressed by the participants, as stated in Article 2 of the LIBRARY BILL OF RIGHTS. Library sponsorship of a program does not constitute an endorsement of the content of the program or the views expressed by the participants, any more than the purchase of material for the library collection constitutes an endorsement of the contents of the material or the views of its creator.

Library initiated programs are a library resource, and as such, are developed in accordance with written guidelines, as approved and adopted by the library's policy-making body. These guidelines include an endorsement of the LIBRARY BILL OF RIGHTS and set forth the library's commitment to free and open access to information and ideas for all users.

Library staff select topics, speakers and resource materials for library initiated programs based on the interests and information needs of the community. Topics, speakers and resource materials are not excluded from library initiated programs because of possible controversy. Concerns, questions or complaints about library initiated program are handled according to the same written policy and procedures which govern reconsiderations of other library resources.

Library initiated programs are offered free of charge and are open to all. Article 5 of the LIBRARY BILL OF RIGHTS states: "A person's right to use a library should not be denied or abridged because of origin, age, background, or views."

The "right to use a library" encompasses all of the resources the library offers, including the right to attend library initiated programs. Libraries do not deny or abridge access to library resources, including library initiated programs, based on an individual's economic background and ability to pay.

Adopted January 27, 1982. Amended June 26, 1990, by the ALA Council.

[ISBN 8389-6528-8]

MEETING ROOMS

An Interpretation of the LIBRARY BILL OF RIGHTS

Many libraries provide meeting rooms for individuals and groups as part of a program of service. Article VI of the LIBRARY BILL OF RIGHTS states that such facilities should be made available to the public served by the given library "on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use."

Libraries maintaining meeting rooms facilities should develop and publish policy statements governing use. These statements can properly define time, place, or manner of use; such qualifications should not pertain to the content of a meeting or to the beliefs or affiliations of the sponsors. These statements should be made available in any commonly used language within the community served.

If meeting rooms in libraries supported by public funds are made available to the general public for non-library sponsored events, the library may not exclude any group based on the subject matter to be discussed or based on the ideas that the group advocates. For example, if a library allows charities and sports clubs to discuss their activities in library meeting rooms, then the library should not exclude partisan political or religious groups from discussing their activities in the same facilities. If a library opens its meeting rooms to a wide variety of civic organizations, then the library may not deny access to a religious organization. Libraries may wish to post a permanent notice near the meeting room stating that the library does not advocate or endorse the viewpoints of meetings or meeting room users.

Written policies for meeting room use should be stated in inclusive rather than exclusive terms. For example, a policy that the library's facilities are open "to organizations engaged in educational, cultural, intellectual, or charitable activities" is an inclusive statement of the limited uses to which the facilities may be put. This defined limitation would permit religious groups to use the facilities because they engage in intellectual activities, but would exclude most commercial uses of the facility.

A publicly supported library may limit use of its meeting rooms to strictly "library-related" activities, provided that the limitation is clearly circumscribed and is viewpoint neutral.

Written policies may include limitations on frequency of use, and whether or not meetings held in library meeting rooms must be open to the public. If state and local laws permit private as well as public sessions of meeting in libraries, libraries may choose to offer both options. The same standard should be applicable to all.

If meetings are open to the public, libraries should include in their meeting room policy statement a section which addresses admission fees. If admission fees are permitted, libraries shall seek to make it possible that these fees do not limit access to individuals who may be unable to pay, but who wish to attend the meeting. Article V of the LIBRARY BILL OF RIGHTS states that "a person's right to use a library should not be denied or abridged because of origin, age, background, or views." It is inconsistent with Article V to restrict indirectly access to library meeting rooms based on an individual's or groups' ability to pay for that access.

Adopted July 2, 1991, by the ALA Council

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RESTRICTED ACCESS TO LIBRARY MATERIALS

An Interpretation of the LIBRARY BILL OF RIGHTS

Libraries are a traditional forum for the open exchange of information. Attempts to restrict access to library materials violate the basic tenets of the LIBRARY BILL OF RIGHTS.

Historically, attempts have been made to limit access by relegating materials into segregated collections. These attempts are in violation of established policy. Such collections are often referred to by a variety of names, including "closed shelf," "locked case," "adults only," "restricted shelf," or "high demand." Access to some materials also may require a monetary fee or financial deposit. In any situation which restricts access to certain materials, a barrier is placed between the patron and those materials. That barrier may be age related, linguistic, economic, or psychological in nature.

Because materials placed in restricted collections often deal with controversial, unusual, or "sensitive" subjects, having to ask a librarian or circulation clerk for them may be embarrassing or inhibiting for patrons desiring the materials. Needing to ask for materials may pose a language barrier or a staff service barrier. Because restricted collections often are composed of materials which some library patrons consider "objectionable," the potential user may be predisposed to think of the materials as "objectionable" and, therefore, are reluctant to ask for them.

Barriers between the materials and the patron which are psychological, or are affected by language skills, are nonetheless limitations on access to information. Even when a title is listed in the catalog with a reference to its restricted status, a barrier is placed between the patron and the publication (see also "Statement on Labeling").

There may be, however, countervailing factors to establish policies to protect library materials -- specifically, for reasons of physical preservation including protection from theft or mutilation. Any such policies must be carefully formulated and administered with extreme attention to the principles of intellectual freedom. This caution is also in keeping with ALA policies, such as "Evaluating Library Collections," "Free Access to Libraries for Minors," and the "Preservation Policy."

Finally, in keeping with the "Joint Statement on Access" of the American Library Association and Society of American Archivists, restrictions that result from donor agreements or contracts for special collections materials must be similarly circumscribed. Permanent exclusions are not acceptable. The overriding impetus must be to work for free and unfettered access to all documentary heritage.

Adopted February 2, 1973; amended July 1, 1981; July 3, 1991, by the ALA Council.

[ISBN 8389-7552-6]

STATEMENT ON LABELING

An Interpretation of the LIBRARY BILL OF RIGHTS

Labeling is the practice of describing or designating materials by affixing a prejudicial label and/or segregating them by a prejudicial system. The American Library Association opposes these means of predisposing people's attitudes toward library materials for the following reasons:

1. Labeling is an attempt to prejudice attitudes and as such, it is a censor's tool.
2. Some find it easy and even proper, according to their ethics, to establish criteria for judging publications as objectionable. However, injustice and ignorance rather than justice and enlightenment result from such practices, and the American Library Association opposes the establishment of such criteria.
3. Libraries do not advocate the ideas found in their collections. The presence of books and other resources in a library does not indicate endorsement of their contents by the library.

A variety of private organizations promulgate rating systems and/or review materials as a means of advising either their members or the general public concerning their opinions of the contents and suitability or appropriate age for use of certain books, films, recordings, or other materials. For the library to adopt or enforce any of these private systems, to attach such ratings to library materials, to include them in bibliographic records, library catalogs, or other finding aids, or otherwise to endorse them would violate the LIBRARY BILL OF RIGHTS.

While some attempts have been made to adopt these systems into law, the constitutionality of such measures is extremely questionable. If such legislation is passed which applies within a library's jurisdiction, the library should seek competent legal advice concerning its applicability to library operations.

Publishers, industry groups, and distributors sometimes add ratings to material or include them as part of their packaging. Librarians should not endorse such practices. However, removing or obliterating such ratings -- if placed there by or with permission of the copyright holder -- could constitute expurgation, which is also unacceptable.

The American Library Association opposes efforts which aim at closing any path to knowledge. This statement, however, does not exclude the adoption of organizational schemes designed as directional aids or to facilitate access to materials.

Adopted July 13, 1951. Amended June 25, 1971; July 1, 1981; June 26, 1990 by the ALA Council.

[ISBN 8389-5226-7]

AMERICAN LIBRARY ASSOCIATION CODE OF ETHICS

As members of the American Library Association, we recognize the importance of codifying and making known to the profession and to the general public the ethical principles that guide the work of librarians, other professionals providing information services, library trustees and library staffs.

Ethical dilemmas occur when values are in conflict. The American Library Association Code of Ethics states the values to which we are committed, and embodies the ethical responsibilities of the profession in this changing information environment.

We significantly influence or control the selection, organization, preservation, and dissemination of information. In a political system grounded in an informed citizenry, we are members of a profession explicitly committed to intellectual freedom and the freedom of access to information. We have a special obligation to ensure the free flow of information and ideas to present and future generations.

The principles of this Code are expressed in broad statements to guide ethical decision making. These statements provide a framework; they cannot and do not dictate conduct to cover particular situations.

- I. We provide the highest level of service to all library users through appropriate and usefully organized resources; equitable service policies; equitable access; and accurate, unbiased, and courteous responses to all requests.
- II. We uphold the principles of intellectual freedom and resist all efforts to censor library resources.
- III. We protect each library user's right to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed, acquired or transmitted.
- IV. We recognize and respect intellectual property rights.
- V. We treat co-workers and other colleagues with respect, fairness and good faith, and advocate conditions of employment that safeguard the rights and welfare of all employees of our institutions.
- VI. We do not advance private interests at the expense of library users, colleagues, or our employing institutions.
- VII. We distinguish between our personal convictions and professional duties and do not allow our personal beliefs to interfere with fair representation of the aims of our institutions or the provision of access to their information resources.
- VIII. We strive for excellence in the profession by maintaining and enhancing our own knowledge and skills, by encouraging the professional development of co-workers, and by fostering the aspirations of potential members of the profession.

Adopted by the ALA Council
June 28, 1995

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GUIDELINES FOR THE DEVELOPMENT AND IMPLEMENTATION OF POLICIES, REGULATIONS AND PROCEDURES AFFECTING ACCESS TO LIBRARY MATERIALS, SERVICES AND FACILITIES

INTRODUCTION

Publicly supported libraries exist within the context of a body of law derived from the United States Constitution and appropriate state constitutions, defined by statute, and implemented by regulations, policies and procedures established by their governing bodies and administrations. These regulations, policies and procedures establish the mission of the library, define its functions, services, and operations and ascertain the rights and responsibilities of the clientele served by the library.

Publicly supported library service is based upon the First Amendment right of free expression. The publicly supported library provides free and equal access to information for all people of the community it serves. Thus, publicly supported libraries are governmental agencies designated as limited public forums for access to information. Libraries that make meeting rooms, exhibit spaces and/or bulletin boards available for public use are also designated as limited public forums for the exchange of information.

Many libraries adopt administrative policies and procedures regulating the organization and use of library materials, services and facilities. These policies and procedures affect access and may have the effect of restricting, denying or creating barriers to access to the library as a public forum, including the library's resources, facilities and services. Library policies and procedures that impinge upon First Amendment rights are subject to a higher standard of review than may be required in the policies of other public services and facilities.

Policies, procedures or regulations that may result in denying, restricting or creating physical or economic barriers to access to the library's public forum must be based on a compelling government interest. However, library governing authorities may place reasonable and narrowly drawn restrictions on the time, place or manner of access to library resources, services or facilities, provided that such restrictions are not based upon arbitrary distinctions between individuals or classes of individuals.

The American Library Association has adopted the LIBRARY BILL OF RIGHTS and Interpretations of the LIBRARY BILL OF RIGHTS to provide library governing authorities, librarians and other library staff and library users with guidelines on how constitutional principles apply to libraries in the United States of America.

The American Library Association's Intellectual Freedom Committee recommends that publicly supported libraries use the following guidelines, based on constitutional principles, to develop policies, regulations and procedures.

GUIDELINES

All library policies, regulations and procedures should be carefully examined to determine if they may result in denying, restricting or creating barriers to access. If they may result in such restrictions, they:

1. should be developed and implemented within the legal framework that applies to the library. This includes: the United States Constitution, including the First and Fourteenth Amendments, due process and equal treatment under the law; the applicable state constitution; federal and state civil rights legislation; all other applicable federal, state and local legislation; and applicable case law;
2. should cite statutes or ordinances upon which the authority to make that policy is based, when appropriate;
3. should be developed and implemented within the framework of the Library Bill of Rights and its Interpretations;
4. should be based upon the library's mission and objectives;
5. should only impose restrictions on the access to, or use of library resources, services or facilities, when those restrictions are necessary to achieve the library's mission and objectives;
6. should narrowly tailor prohibitions or restrictions, in the rare instances when they are required, so they are not any more restrictive than needed to serve their objectives;

7. should attempt to balance competing interests and avoid favoring the majority at the expense of individual rights, or allowing individual users' rights to interfere materially with the majority's right to free and equal access to library resources, services and facilities;
8. should avoid arbitrary distinctions between individuals or classes of users, and should not have the effect of denying or abridging a person's right to use library resources, services or facilities based upon arbitrary distinctions such as origin, age, background or views;

In the LIBRARY BILL OF RIGHTS and all of its Interpretations, it is intended that: "origin" encompasses all the characteristics of individuals that are inherent in the circumstances of their birth; "age" encompasses all the characteristics of individuals that are inherent in their levels of development and maturity; "background" encompasses all the characteristics of individuals that are a result of their life experiences; and "views" encompasses all the opinions and beliefs held and expressed by individuals;

9. should not target specific users or groups of users based upon an assumption or expectation that such users might engage in behavior that will materially interfere with the achievement of substantial library objectives;
10. must be clearly stated so that a reasonably intelligent person will have fair warning of what is expected;
11. must provide a means of appeal;
12. must be reviewed regularly by the library's governing authority and by its legal counsel;
13. must be communicated clearly and made available in an effective manner to all library users;
14. must be enforced evenhandedly, and not in a manner intended to benefit or disfavor any person or group in an arbitrary or capricious manner;

Libraries should develop an ongoing staff training program designed to foster the understanding of the legal framework and principles underlying library policies and to assist staff in gaining the skill and ability to respond to potentially difficult circumstances in a timely, direct and open manner. This program should include training to develop empathy and understanding of the social and economic problems of some library users;

15. should, if reasonably possible, provide adequate alternative means of access to information for those whose behavior results in the denial or restriction of access to any library resource, service or facility.

Adopted by the ALA Intellectual Freedom Committee
June 28, 1994

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GUIDELINES FOR THE DEVELOPMENT OF POLICIES AND PROCEDURES REGARDING USER BEHAVIOR AND LIBRARY USAGE

Introduction

Libraries are faced with problems of user behavior that must be addressed to insure the effective delivery of service and full access to facilities. Library governing bodies must approach the regulation of user behavior within the framework of the ALA Code of Professional Ethics, the Library Bill of Rights and the law, including local and state statutes, constitutional standards under the First and Fourteenth Amendments, due process and equal treatment under the law.

Publicly supported library service is based upon the First Amendment right of free expression. Publicly supported libraries are recognized as limited public forums for access to information. At least one federal court of appeals has recognized a First Amendment right to receive information in a public library. Library policies and procedures that could impinge upon such rights are subject to a higher standard of review than may be required in the policies of other public services and facilities.

There is a significant government interest in maintaining a library environment that is conducive to all users' exercise of their constitutionally protected right to receive information. This significant interest authorizes publicly supported libraries to maintain a safe and healthy environment in which library users and staff can be free from harassment, intimidation, and threats to their safety and well-being. Libraries should provide appropriate safeguards against such behavior and enforce policies and procedures addressing that behavior when it occurs.

In order to protect all library users' right of access to library facilities, to ensure the safety of users and staff, and to protect library resources and facilities from damage, the library's governing authority may impose reasonable restrictions on the time, place, or manner of library access.

Guidelines

The American Library Association's Intellectual Freedom Committee recommends that publicly supported libraries use the following guidelines, based upon constitutional principles, to develop policies and procedures governing the use of library facilities:

1. Libraries are advised to rely upon existing legislation and law enforcement mechanisms as the primary means of controlling behavior that involves public safety, criminal behavior, or other issues covered by existing local, state, or federal statutes. In many instances, this legal framework may be sufficient to provide the library with the necessary tools to maintain order.
2. If the library's governing body chooses to write its own policies and procedures regarding user behavior or access to library facilities, services, and resources, the policies should cite statutes or ordinances upon which the authority to make those policies is based.
3. Library policies and procedures governing the use of library facilities should be carefully examined to insure that they are not in violation of the LIBRARY BILL OF RIGHTS.
4. Reasonable and narrowly drawn policies and procedures designed to prohibit interference with use of the facilities and services by others, or to prohibit activities inconsistent with achievement of substantial library objectives, are acceptable.
5. Such policies and the attendant implementing procedures should be reviewed regularly by the library's legal counsel for compliance with federal and state constitutional requirements, federal and state civil rights legislation, all other applicable federal and state legislation, and applicable case law.
6. Every effort should be made to respond to potentially difficult circumstances of user behavior in a timely, direct, and open manner. Common sense, reason and sensitivity should be used to resolve issues in a constructive and positive manner without escalation.
7. Libraries should develop an ongoing staff training program based upon their user behavior policy. This program should include training to develop empathy and understanding of the social and economic problems of some library users.

8 Policies and regulations that impose restrictions on library access:

- a. should apply only to those activities that materially interfere with the public's right of access to library facilities, the safety of users and staff, and the protection of library resources and facilities;
- b. should narrowly tailor prohibitions or restrictions so that they are not more restrictive than needed to serve their objectives;
- c. should attempt to balance competing interests and avoid favoring the majority at the expense of individual rights, or allowing individual users' rights to supersede those of the majority of library users;
- d. should be based upon actual behavior and not upon arbitrary distinctions between individuals or classes of individuals. Policies should not target specific users or groups of users based upon an assumption or expectation that such users might engage in behaviors that could disrupt library service;
- e. should not restrict access to the library by persons who merely inspire the anger or annoyance of others. Policies based upon appearance or behavior that is merely annoying or which merely generates negative subjective reactions from others, do not meet the necessary standard unless the behavior would interfere with access by an objectively reasonable person to library facilities and services. Such policies should employ a reasonable, objective standard based on the behavior itself;
- f. must provide a clear description of the behavior that is prohibited so that a reasonably intelligent person will have fair warning and must be continuously and clearly communicated in an effective manner to all library users;
- g. to the extent possible, should not leave those affected without adequate alternative means of access to information in the library;
- h. must be enforced evenhandedly, and not in a manner intended to benefit or disfavor any person or group in an arbitrary or capricious manner.

The user behaviors addressed in these guidelines are the result of a wide variety of individual and societal conditions. Libraries should take advantage of the expertise of local social service agencies, advocacy groups, mental health professionals, law enforcement officials, and other community resources to develop community strategies for addressing the needs of a diverse population.

Adopted by the Intellectual Freedom Committee

January 24, 1993

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POLICY CONCERNING CONFIDENTIALITY OF PERSONALLY IDENTIFIABLE INFORMATION ABOUT LIBRARY USERS

The ethical responsibilities of librarians, as well as statutes in most states and the District of Columbia, protect the privacy of library users. Confidentiality extends to "information sought or received, and materials consulted, borrowed or acquired," and includes database search records, reference interviews, circulation records, interlibrary loan records and other personally identifiable uses of library materials, facilities or services.

The First Amendment's guarantee of freedom of speech and of the press requires that the corresponding rights to hear what is spoken and read what is written be preserved, free from fear of government intrusion, intimidation, or reprisal. The American Library Association reaffirms its opposition to "any use of governmental prerogatives which lead to the intimidation of the individual or the citizenry from the exercise of free expression ... [and] encourages resistance to such abuse of government power ... (ALA Policy 53.4). In seeking access to or in the pursuit of information, confidentiality is the primary means of providing the privacy that will free the individual from fear of intimidation or retaliation.

Libraries are one of the great bulwarks of democracy. They are living embodiments of the First Amendment because their collections include voices of dissent as well as assent. Libraries are impartial resources providing information on all points of view, available to all persons regardless of age, race, religion, national origin, social or political views, economic status, or any other characteristic. The role of libraries as such a resource must not be compromised by an erosion of the privacy rights of library users.

The American Library Association regularly receives reports of visits by agents of federal, state, and local law enforcement agencies to libraries, where it is alleged they have asked for personally identifiable information about library users. These visits, whether under the rubric of simply informing libraries of agency concerns or for some other reason, reflect an insensitivity to the legal and ethical bases for confidentiality, and the role it plays in the preservation of First Amendment rights, rights also extended to foreign nationals while in the United States. The government's interest in library use reflects a dangerous and fallacious equation of what a person reads with what that person believes or how that person is likely to behave. Such a presumption can and does threaten the freedom of access to information. It also is a threat to a crucial aspect of First Amendment rights: that freedom of speech and of the press include the freedom to hold, disseminate and receive unpopular, minority, "extreme," or even "dangerous" ideas.

The American Library Association recognizes that, under limited circumstances, access to certain information might be restricted due to a legitimate "national security" concern. However, there has been no showing of a plausible probability that national security will be compromised by any use made of unclassified information available in libraries. Thus, the right of access to this information by individuals, including foreign nationals, must be recognized as part of the librarian's legal and ethical responsibility to protect the confidentiality of the library user.

The American Library Association also recognizes that law enforcement agencies and officers may occasionally believe that library records contain information which would be helpful to the investigation of criminal activity. If there is a reasonable basis to believe such records are necessary to the progress of an investigation or prosecution, the American judicial system provides the mechanism for seeking release of such confidential records: the issuance of a court order, following a showing of good cause based on specific facts, by a court of competent jurisdiction.

adopted July 2, 1991, by the ALA Council

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POLICY ON CONFIDENTIALITY OF LIBRARY RECORDS*

The Council of the American Library Association strongly recommends that the responsible officers of each library, cooperative system, and consortium in the United States:

1. Formally adopt a policy which specifically recognizes its circulation records and other records identifying the names of library users to be confidential in nature.
2. Advise all librarians and library employees that such records shall not be made available to any agency of state, federal, or local government except pursuant to such process, order, or subpoena as may be authorized under the authority of, and pursuant to, federal, state, or local law relating to civil, criminal, or administrative discovery procedures or legislative investigative power.
3. Resist the issuance or enforcement of any such process, order, or subpoena until such time as a proper showing of good cause has been made in a court of competent jurisdiction.**

* Note: See also ALA POLICY MANUAL 54.16 -- CODE OF ETHICS, point #3, "Librarians must protect each user's right to privacy with respect to information sought or received, and materials consulted, borrowed, or acquired."

**Note: Point 3, above, means that upon receipt of such process, order, or subpoena, the library's officers will consult with their legal counsel to determine if such process, order, or subpoena is in proper form and if there is a showing of good cause of its issuance; if the process, order, or subpoena is not in proper form or if good cause has not been shown, they will insist that such defects be cured.

Adopted January 20, 1971; revised July 4, 1975, July 2, 1986
by the ALA Council.

See reverse side for suggested procedures for implementation.

[ISBN 8389-6082-0]

SUGGESTED PROCEDURES FOR IMPLEMENTING "POLICY ON CONFIDENTIALITY OF LIBRARY RECORDS"

When drafting local policies, libraries should consult with their legal counsel to insure these policies are based upon and consistent with applicable federal, state and local law concerning the confidentiality of library records, the disclosure of public records, and the protection of individual privacy.

Suggested procedures include the following:

1. The library staff member receiving the request to examine or obtain information relating to circulation or other records identifying the names of library users, will immediately refer the person making the request to the responsible officer of the institution, who shall explain the confidentiality policy.
2. The director, upon receipt of such process, order, or subpoena, shall consult with the appropriate legal officer assigned to the institution to determine if such process, order, or subpoena is in good form and if there is a showing of good cause for its issuance.
3. If the process, order, or subpoena is not in proper form or if good cause has not been shown, insistence shall be made that such defects be cured before any records are released. (The legal process requiring the production of circulation or other library records shall ordinarily be in the form of subpoena "duces tecum" [bring your records] requiring the responsible officer to attend court or the taking of his/her deposition and may require him/her to bring along certain designated circulation or other specified records.)
4. Any threats or unauthorized demands (i.e., those not supported by a process, order, or subpoena) concerning circulation and other records identifying the names of library users shall be reported to the appropriate legal officer of the institution.
5. Any problems relating to the privacy of circulation and other records identifying the names of library users which are not provided for above shall be referred to the responsible officer.

Adopted by the ALA Intellectual Freedom Committee,
January 9, 1983; revised January 11, 1988

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CENSORSHIP CHECKLIST

Are you and your library prepared?

1. Do you have collection development and materials selection policies in written form and approved by the appropriate governing authority?
2. Do you have equitable policies governing all library services in written form and approved by the appropriate governing authority?
3. Are there written procedures for handling inquiries and complaints about library services or materials?
4. Is there regular staff training on intellectual freedom issues?
Are administrators and board members also well informed?
5. Does your library promote intellectual freedom through programs, exhibits, speaking engagements, and media interviews?
6. Do you keep current with professional literature and general news reports of potentially controversial materials?
7. Do you keep current with local, state, and federal legislation affecting intellectual freedom?
8. Are you aware of individuals or groups in your community who might initiate complaints about library services or materials? Do you know their targets and tactics?
9. Are you aware of individuals in your community who are advocates of intellectual freedom? Is there good communication among school, public, and academic libraries in your area?
10. Do you support and participate in professional organizations that fight censorship?

**NEW YORK LIBRARY ASSOCIATION
252 Hudson Avenue
Albany, New York 12210-1802
800-252-NYLA**

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